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ILLINOIS DOCUMENTS

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# ILLINOIS

## REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 24, Issue 18  
April 28, 2000

Pages 6,627 - 6,753

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Issue 16 - April 14, 2000: Data Through March 31, 2000

Issue 29 - July 14, 2000: Data Through June 30, 2000

Issue 42 - October 13, 2000: Data Through September 30, 2000

Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

### REGISTER PUBLICATION SCHEDULE 2000

| Issue #  | Copy Due by 4:30 p.m. | Publication Date | Issue #  | Copy Due by 4:30 p.m. | Publication Date |
|----------|-----------------------|------------------|----------|-----------------------|------------------|
| Issue 1  | December 27, 1999     | January 7, 2000  | Issue 28 | June 26               | July 7           |
| Issue 2  | January 4, 2000*      | January 14       | Issue 29 | July 3                | July 14          |
| Issue 3  | January 10            | January 21       | Issue 30 | July 10               | July 21          |
| Issue 4  | January 18*           | January 28       | Issue 31 | July 17               | July 28          |
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| Issue 6  | January 31            | February 14**    | Issue 33 | July 31               | August 11        |
| Issue 7  | February 7            | February 18      | Issue 34 | August 7              | August 18        |
| Issue 8  | February 14           | February 25      | Issue 35 | August 14             | August 25        |
| Issue 9  | February 22*          | March 3          | Issue 36 | August 21             | September 1      |
| Issue 10 | February 28           | March 10         | Issue 37 | August 28             | September 8      |
| Issue 11 | March 6               | March 17         | Issue 38 | September 5*          | September 15     |
| Issue 12 | March 13              | March 24         | Issue 39 | September 11          | September 22     |
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| Issue 27 | June 19               | June 30          | Issue 1  | December 26*          | January 5, 2001  |

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Selection of Architects/Engineers (A/E)

2) Code Citation: 44 Ill. Adm. Code 1000

3) Section Numbers: Proposed Action:

1000.120

Amendment

1000.160

Amendment

1000.180

Amendment

1000.200

Amendment

4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates statutory citations, makes non-substantive grammatical clarifications, provides for advertising on the Internet, and raises the interview level from \$125,000 to \$300,000 with discretion to waive interviews when the Executive Director and Board agree to do so.

6) Will this proposed amendment replace an emergency rule current in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This amendment does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the *Illinois Register*, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Fredrick W. Hahn, Chief Counsel  
Capital Development Board  
3rd Floor Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
217/782-0700

12) Initial Regulatory Flexibility Analysis:

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporation affected: This rulemaking may affect small architect/engineer firms and engineering consultants.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES  
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 1000  
SELECTION OF ARCHITECTS/ENGINEERS (A/E)

|          |                           |
|----------|---------------------------|
| Section  | Definitions               |
| 1000.100 | Purpose                   |
| 1000.110 | Selection Procedures      |
| 1000.120 | Selection Committee       |
| 1000.130 | Evaluation Procedures     |
| 1000.140 | Preliminary Evaluations   |
| 1000.150 | Interviews                |
| 1000.160 | Delegation of Evaluations |
| 1000.170 | Public Notice             |
| 1000.180 | Submittal Requirements    |
| 1000.190 | Small Projects            |
| 1000.200 | Emergency Projects        |
| 1000.210 |                           |

**AUTHORITY:** Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

**SOURCE:** Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20332, effective October 1, 1984; amended at 9 Ill. Reg. 17338, effective October 29, 1985; amended at 12 Ill. Reg. 17815, effective October 25, 1988; Part repealed, new Part adopted at 22 Ill. Reg. 1176, effective January 1, 1998; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1000.120 Selection Procedures**

CDB shall select three A/Es qualified to provide the professional services for a specific project. These A/Es shall be ranked in order of preference ~~qualifications~~. Board approval of these A/Es shall be final and binding.

In the event that fewer than three A/Es submit statements of qualifications for a specific project, if CDB determines that one or both are qualified to perform the services, CDB may proceed with the selection process.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 1000.160 Interviews**

CDB requires the selection committee to conduct interviews when the estimated value of the Basic Services Fee exceeds \$300,000 ~~contract--exceeds--\$125,000~~. The Executive Director ~~selection-committee~~ may choose to conduct interviews for smaller projects under special circumstances. In all cases, a minimum of three firms will be interviewed. The Executive Director in consultation with the Board may exempt any contract from requiring interviews.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1000.180 Public Notice**

a) When the services of an A/E are required and the estimated value of the contract exceeds \$25,000, CDB shall publish the list of projects requiring A/E services. In addition, CDB may publish a list of projects whose contract values do not exceed \$25,000.

b) This public notice shall include an abstract of the services required for each project and the required expertise of the A/E to be considered. This public notice shall also include the statement of qualifications form to be completed for each project as well as the date and time by which submittal of the statement of qualifications will be accepted.

c) Publishing may be accomplished by posting the abstracts on CDB's Internet site.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1000.200 Small Projects**

For contracts whose estimated value is less than \$25,000, CDB may select any prequalified A/E in accordance with Section 45 of ~~and--not--covered--by~~ the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535] ~~CDB may select-any-prequalified-A/E~~.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Promotion Act Programs2) Code Citation: 14 Ill. Adm. Code 5103) Section Numbers: Proposed Action:

510.110

Amend

510.120

Amend

510.140

Amend

510.150

Amend

4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].5) A Complete Description of the Subjects and Issues Involved: Amending Sections 510.110, 510.120, and 510.140 will authorize the Department to award grants and loans to all eligible applicants. Section 510.150 will be amended to authorize the Department to increase the maximum grant or loan amount from \$100,000 to \$1,000,000. These amendments are the result of legislative changes.6) Will these proposed amendments replace an emergency rule currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any proposed amendments containing incorporations by reference? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Ms. Raya Bogard  
 Administrative Code Rules Manager  
 620 East Adams  
 Springfield IL 62701  
 Phone - 217/785-6285

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses and small municipalities affected: Small municipalities may be affected positively as they will be able to apply for funding (grants and loans) in excess of \$100,000 and

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

for-profit businesses will also be eligible to receive grant funds.

B) Reporting, bookkeeping or other procedures required for compliance: Grants or loans in excess of \$300,000 are required to provide an audit; therefore, this will be a new requirement for entities receiving funds exceeding this amount.

C) Types of professional skills necessary for compliance: No additional skills will be necessary.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated by program staff.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments appearing in this issue of the Illinois Register on page 6720.



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: Proposed Action:  
117.50 Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

5) A Complete Description of the Subjects and Issues involved: These proposed amendments increase payments for funeral and burial expenses.

6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives if applicable: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Providers of funeral and burial services.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the *Illinois Register* on page **6725**.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Services2) Code Citation: 89 Ill. Adm. Code 5903) Section Numbers:  
590.260  
Proposed Action:  
Amend4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].5) A Complete Description of the Subjects and Issues involved: The rulemaking revises the rules covering Summer School attendance by customers of the ORS Vocational Rehabilitation program. The current rulemaking is being applied inconsistently. This amendment adds back limitations to the use of summer school to assure the policy is being applied in a manner that does not harm the welfare of VR customers.6) Will this proposed rule replace an emergency rule currently in effect?  
Yes7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: NoneB) Reporting, bookkeeping or other procedures required for compliance:  
NoneC) Types of professional skills necessary form compliance: None13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated when the Regulatory Agenda was developed.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that is published in this *Illinois Register* on page **6730**.



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:  
100.2165 New Section
- 4) Statutory Authority: 35 ILCS 5/1401(a)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking reflects and clarifies the provisions of P.A. 91-9, which provides an income tax credit for qualified education expenses incurred by a taxpayer that is the custodian of a qualifying pupil.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

| Section Numbers | Proposed Action | IL Register Citation       |
|-----------------|-----------------|----------------------------|
| 100.2000        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2100        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2101        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2130        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2160        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2170        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2240        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2250        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2300        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2330        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2580        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2680        | Repeal          | 2/14/00, 24 Ill. Reg. 2190 |
| 100.3010        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.3020        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.3110        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.3200        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.3210        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.3220        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.3300        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.3320        | Repeal          | 2/14/00, 24 Ill. Reg. 2190 |
| 100.3360        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.5020        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.5030        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |
| 100.5250        | Amendment       | 2/14/00, 24 Ill. Reg. 2190 |

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 100.7000 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7010 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7030 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7050 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7070 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7090 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7100 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9010 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9300 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9310 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9505 Repeal 2/14/00, 24 Ill. Reg. 2190
- 100.9600 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9700 Amendment 2/14/00, 24 Ill. Reg. 2190

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Dana Kinion  
Associate Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit Corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance:  
Either a written receipt provided by the school documenting education expenses paid to the school by a custodian, or a Department-prescribed schedule must be filed with the taxpayer's return in order to claim the credit. A taxpayer claiming the credit must maintain records of proof as to the education expenses incurred for a period of not less than three years after the date the return is filed.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

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100.2000 Introduction  
100.2050 Net Income (IITA Section 202)

## SUBPART B: CREDITS

Section  
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))  
100.2101 Replacement Tax Investment Credit (IITA 201(e))  
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))  
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))  
100.2130 Investment Credit; High Impact Business (IITA 201(h))  
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))  
100.2150 Training Expense Credit (IITA 201(j))  
100.2160 Research and Development Credit (IITA 201(k))  
100.2165 Education Expense Credit (IITA 201(m))  
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)  
100.2180 Credit for Residential Real Property Taxes (IITA 208)  
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

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100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope  
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Definitions  
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Current Net Operating Losses; Offsets Between Members  
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Carrybacks and Carryforwards

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

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100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER  
DECEMBER 31, 1986

Section  
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986  
100.2310 Computation of the Illinois Net Loss Deduction  
100.2320 Determination of the Amount of Illinois Net Loss Carryovers  
100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986  
100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns  
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SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,  
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Section  
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100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

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## Section

100.3000 Terms Used in Article 3 (IITA Section 301)  
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100.3300 Allocation and Apportionment of Base Income (IITA Section 304)  
100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General  
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment  
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation  
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100.3360 Payroll Factor (IITA Section 304)  
100.3370 Sales Factor (IITA Section 304)  
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100.5000 Time for Filing Returns: Individuals (IITA Section 505)

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100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

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## Section

100.5100 Composite Returns: Eligibility  
100.5110 Composite Returns: Responsibilities of Authorized Agent  
100.5120 Composite Returns: Individual Liability  
100.5130 Composite Returns: Required forms and computation of Income  
100.5140 Composite Returns: Estimated Payments  
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100.5160 Composite Returns: Credit for Resident Individuals  
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## Section

100.5200 Filing of Combined Returns  
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns  
100.5205 Election to File a Combined Return  
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns  
100.5220 Designated Agent for the Members  
100.5230 Combined Estimated Tax Payments  
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100.5250 Liability for Combined Tax, Penalty and Interest  
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## Section

100.7000 Requirement of Withholding (IITA Section 701)  
100.7010 Compensation Paid in this State (IITA Section 701)  
100.7020 Transacting Business Within this State (IITA Section 701)  
100.7030 Payments to Residents (IITA Section 701)  
100.7040 Employer Registration (IITA Section 701)  
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100.7060 Additional Withholding (IITA Section 701)  
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100.7080 Correction of Under withholding or Overwithholding (IITA Section 701)

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100.7090 Reciprocal Agreement (IITA Section 701)  
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Section  
100.7100 Withholding Exemption (IITA Section 702)  
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Section  
100.7300 Returns of Income Withheld from Wages (IITA Section 704)  
100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)  
100.7320 Time for Filing Returns (IITA Section 704)  
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)  
100.7340 Correction of Under withholding or Overwithholding (IITA Section 704)

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100.9000 General Income Tax Procedures (IITA Section 901)  
100.9010 Collection Authority (IITA Section 901)  
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## SUBPART V: NOTICE AND DEMAND

Section  
100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

Section  
100.9200 Assessment (IITA Section 903)  
100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section  
100.9300 Deficiencies and Overpayments (IITA Section 904)

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100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 903)  
100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

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100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913)  
100.9510 Taxpayer Representation and Practice Requirements  
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## SUBPART AA: JUDICIAL REVIEW

Section  
100.9600 Administrative Review Law (IITA Section 1201)

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Section  
100.9700 Unitary Business Group Defined (IITA Section 1501)

## SUBPART CC: LETTER RULING PROCEDURES

Section  
100.9800 Letter Ruling Procedures

## APPENDIX A Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment  
TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981;



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amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CREDITS

## Section 100.2165 Education Expense Credit (IITA 201(m))

- a) *Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of Section*

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201 of the Act for qualified education expenses incurred on behalf of the qualifying pupils (the "education expense credit"). The education expense credit shall be equal to 25% of qualified education expenses, but the total education expense credit allowed to a family that is the custodian of qualifying pupils shall not exceed \$500 in any tax year, regardless of the number of qualifying pupils. The education expense credit taken shall not reduce a taxpayer's liability under the Act to less than zero. (IITA Section 201(m)) Therefore, no part of the education expense credit is refundable to the custodian in the event the custodian's tax liability is reduced to zero.

b) For a taxpayer to claim the education expense credit, the taxpayer must be the custodian of one or more qualifying pupils and have incurred qualified education expenses on behalf of the qualifying pupils.

## 1) "Qualifying pupils" shall mean individuals that are:

- A) *residents of the State of Illinois.*  
 B) *under the age of 21 at the close of the school year for which a credit is sought, and*  
 C) *full time pupils enrolled in a kindergarten through twelfth grade education program at any school during the school year for which a credit is sought (IITA Section 201(m)).*

An individual under the age of 21 and graduating from the twelfth grade during a school year shall be considered a qualifying pupil for the year but only to the extent of qualified education expenses incurred by the custodian due to the qualifying pupil's enrollment in the twelfth grade.

## 2) "Custodian" of qualifying pupils shall mean an Illinois resident(s) who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils (IITA Section 201(m)).

- A) A foster parent, or the foster parents, or an adoptive parent, or the adoptive parents shall be included within the meaning of parent or legal guardian for purposes of determining the custodian of qualifying pupils.  
 B) Custodian shall not include a parent or the parents of qualifying pupils whose parental rights over such qualifying pupils have been legally terminated.  
 C) The custodian must actually incur qualified education expenses in order to claim the education expense credit. Therefore, a custodian incurring qualified education expenses on behalf of qualifying pupils shall claim the education expense credit only to the extent of qualified education expenses actually paid for by that custodian.  
 D) The education expense credit claimed shall not exceed the \$500 credit limit allowable to a family that is the custodian of qualifying pupils. Therefore, the divorced or unmarried parents of qualifying pupils, each of whom is the custodian of the qualifying pupils and each of whom incurs

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education expenses on behalf of such pupils, shall be considered the family of such qualifying pupils for purposes of the \$500 credit limit.

- 3) "School", for purposes of the education expense credit, means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code [105 ILCS 5/26-1], except that nothing shall be construed to require a child to attend any particular public or nonpublic school in order to qualify for the education expense credit [IIA Section 201(m)]. Home schools or home study programs, attendance at which meets the compulsory education requirements of Section 26-1 of the School Code, are included within the meaning of "school" for purposes of the education expense credit.

- 4) "Qualified education expenses" shall mean amounts incurred on behalf of a qualifying pupil in excess of \$250 for tuition, book fees, and lab fees at the school in which the qualifying pupil is enrolled during the regular school year [IIA Section 201(m)]. Amounts incurred for tuition, book fees and lab fees by a family that is the custodian of more than one qualifying pupil may aggregate all tuition, book fees and lab fees incurred by the family in arriving at qualified education expenses eligible for the credit.

A) Tuition is the amount paid to a school as a condition of enrollment for a quarter, semester or year term in a kindergarten through twelfth grade education program of the school. Enrollment in an education program shall mean admission to the full and regular schedule of classroom instruction of the school during the designated period. Tuition also includes amounts paid as a condition of enrollment on behalf of a school to cover costs of implementing and administering an education program.

B) Book fees are amounts paid for the use of books that are essential to a qualifying pupil's participation in the education program of the school. A book is essential when the school or an instructor of the school requires its use by the qualifying pupil in order to participate in and complete a course of the education program.

C) Lab fees are amounts paid for the use of supplies, equipment, materials or instruments that are essential to a qualifying pupil's participation in a lab course of the school's education program. Supplies, equipment, materials or instruments are essential when the school or an instructor of the school requires their use by the qualifying pupil in order to participate in and complete a lab course of the education program. Lab courses include those courses that, in addition to classroom instruction by

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a teacher, provide an environment of organized activity involving observation, experimentation or practice in a course of study. Such courses of study include those courses with a scientific, musical, artistic, technical or language skill content. Lab fees may be in the nature of a rental fee for supplies, equipment, materials or instruments that are used in the lab course. Fees incurred for the purchase of supplies, equipment, materials or instruments used in a lab course and which are substantially consumed by the assignments and activities of the lab are also considered qualifying lab fees.

Any amount paid for the purchase of items that would be considered qualified education expenses but for the fact that the items are not substantially consumed during the school year and will remain the tangible personal property of a qualifying pupil or a custodian at the conclusion of the school year shall not be considered qualified education expenses. For purposes of this Section, an item is substantially consumed when, during the school year, the item is used to such an extent that its fair market value has been reduced to a de minimis amount.

C) Calculation of the education expense credit may be illustrated by the following examples:

1) Example 1. Family A is the custodian of two qualifying pupils. Family A incurs a total of \$6,000 in tuition, book fees and lab fees for the education of both pupils during the calendar year. The first \$250 incurred for tuition, book fees and lab fees is not included as a qualified education expense. The balance of \$5,750 (\$6,000 - \$250) multiplied by 25% equals \$1,437.50. Family A may only claim the maximum tax credit allowable of \$500.

2) Example 2. Family B is the custodian of one qualifying pupil. Family B incurs a total of \$2,250 in tuition, book fees and lab fees for the education of the qualifying pupil during the calendar year. Family B also incurs \$200 for the purchase of a musical instrument used by the qualifying pupil while participating in the school band. The \$200 incurred for the purchase of a musical instrument is an expense that does not qualify for the credit. The first \$250 incurred for tuition, book fees and lab fees is not included as a qualified education expense. The balance of \$2,000 (\$2,250-\$250) multiplied by 25% equals \$500. Family B may claim the entire maximum tax credit allowable of \$500.

3) Example 3. Family C is the custodian of four qualifying pupils. Family C incurs a total of \$1,000 in book fees and lab fees for the education of all four qualifying pupils during the calendar year. Family C also incurs a total of \$50 for the purchase of books used in completing book reports required by the school. The \$50 incurred for the purchase of books is an expense that does not qualify for the credit. The first \$250 incurred for book



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fees and lab fees is not included as a qualified education expense. The balance of \$750 (\$1,000 - \$250) multiplied by 25% equals \$187.50. Family C may claim a tax credit of \$187.50.

- d) To aid a custodian in claiming the education expense credit, a school should provide to the custodian a written receipt documenting education expenses paid to the school by the custodian on behalf of qualifying pupils during the calendar year. The written receipt should be provided to the custodian on or before January 31 of the succeeding calendar year. Where a school provides a written receipt to a custodian, it shall be a receipt prescribed by the Department which shall include the following information:

- 1) the designated calendar year during which the education expenses were paid,
- 2) the name and address of the school,
- 3) the name and address of the custodian,
- 4) the name(s) and social security number(s) of the qualifying pupil or pupils,
- 5) a list of education expense amounts paid for tuition, book fees and lab fees during the calendar year, and
- 6) the total of all such education expenses paid during the calendar year. All information contained on the written receipt provided by a school is deemed confidential information for use as supporting documentation of the education expense credit claimed and shall not be used for any other purpose.

- e) A custodian shall use a school's written receipt of education expenses as documentation supporting the education expense credit claimed on the custodian's individual income tax return. A copy of the written receipt shall be filed with the return for the taxable year to which it relates. In the event a school's written receipt of education expenses is not made available to a custodian, the custodian shall complete and file with the custodian's return the schedule prescribed by the Department for taking the credit. The education expense credit shall not be taken without either a school's written receipt or a schedule being filed with the return. A return claiming the credit and filed without a school's written receipt or without the Department's prescribed schedule shall be deemed unprocessable for purposes of the application of penalties and interest under the Uniform Penalty and Interest Act [35 ILCS 735].

- f) A custodian filing a return claiming the education expense credit shall maintain records of proof as to the education expenses paid for by the custodian. The custodian shall maintain the records for a period of not less than three years after the date the return on which the custodian claimed the education expense credit was filed. Such records maintained by the custodian shall be subject to inspection by the Department and its duly authorized agents and employees.

- g) The education expense credit for qualified education expenses incurred must be claimed for the tax year in which the qualified education expenses are actually paid. Any part of the education expense credit

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not claimed or allowed in a given tax year shall not be carried forward or back to any other tax year. Likewise, where qualified education expenses are incurred in excess of the allowable education expense credit for any given tax year, the excess of qualified education expenses shall not be used in claiming the education expense credit for any other tax year.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE

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NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

1) Heading of the Part: State Gift Ban Act

2) Code Citation: 2 Ill. Adm. Code 568

3) Section Numbers: Proposed Action:

|         |             |
|---------|-------------|
| 568.100 | New Section |
| 568.110 | New Section |
| 568.120 | New Section |
| 568.130 | New Section |
| 568.135 | New Section |
| 568.140 | New Section |
| 568.150 | New Section |
| 568.160 | New Section |
| 568.170 | New Section |
| 568.180 | New Section |
| 568.190 | New Section |
| 568.200 | New Section |
| 568.210 | New Section |
| 568.220 | New Section |
| 568.230 | New Section |
| 568.240 | New Section |
| 568.250 | New Section |
| 568.260 | New Section |
| 568.270 | New Section |
| 568.280 | New Section |

4) Statutory Authority: Implementing and authorized by the State Gift Ban Act [5 ILCS 425].

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking implements policy to address complaints of violations of the Illinois Gift Ban Act and establish procedures for the Secretary of State's Ethics Commission created by the State Gift Ban Act [5 ILCS 425].

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed rules pending on this part? No

10) Statement of Statewide Policy Objective: This rulemaking does not create or expand any state mandate.

11) Time, Place and Manner in which interested persons may comment on the proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Steve Roth  
Illinois Secretary of State  
Room 196 Howlett Building  
Springfield, Illinois 62756  
(217) 782-1750

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: Any reporting functions are designated in the rule.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rule is a new rule and therefore was not summarized in the Regulatory Agenda.

The full text of the Proposed Rule begins on the next page:



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TITLE 2: GOVERNMENTAL ORGANIZATION  
CHAPTER III: SECRETARY OF STATE

## PART 568

OFFICE OF SECRETARY OF STATE ETHICS COMMISSION  
COMPLAINT POLICIES AND PROCEDURES

## SUBPART A: COMPLAINT POLICIES

| Section |   |
|---------|---|
| 568.100 | Policy  |
| 568.110 | Definitions   |
| 568.120 | Form of Complaint and Designations                                  |
| 568.130 | Standard Information in Complaints                                  |
| 568.135 | Verification  |
| 568.140 | Jurisdiction  |
| 568.150 | Official Receiving Clerk  |
| 568.160 | Filing of Complaint/Determination of Sufficiency and Probable Cause |
| 568.170 | Procedures Following Determination of Probable Cause                |
| 568.180 | Frivolous Complaints  |
| 568.190 | Ethics Commission Members and Terms of Office                       |

## SUBPART B: COMMISSION PROCEDURES

| Section |                                      |
|---------|--------------------------------------|
| 568.200 | Meetings of the Commission           |
| 568.210 | Committees                           |
| 568.220 | Informal Action by Committee Members |
| 568.230 | Telephonic Meetings                  |
| 568.240 | Presumption of Assent                |
| 568.250 | Resignations, Removal and Vacancies  |
| 568.260 | Officers of the Commission           |
| 568.270 | Conflict of Interest                 |
| 568.280 | Robert's Rules of Order              |

AUTHORITY: Implementing and authorized by the State Gift Ban Act [5 ILCS 425].

SOURCE: Adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: COMPLAINT POLICIES

## Section 568.100 Policy

- a) It is the policy of the Office of Secretary of State Ethics Commission to address complaints of violations of the Illinois Gift Ban Act ("Act") and to render decisions uniformly on the allegations presented

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to it. To further this purpose, the Office of Secretary of State Ethics Commission has developed the procedures described in this Part to address complaints which are filed with it.

- b) All employees and officers of the Secretary of State who receive information relating to, or who witness an incident which is or is believed to be, a violation of the State Gift Ban Act shall report that incident or event in writing to the Commission by a verified complaint.

## Section 568.110 Definitions

"Act" shall mean the State Gift Ban Act [5 ILCS 425].

"Chairman" or "Chairperson" or "Chair" shall mean the person elected Chairman of the Commission.

"Commission" shall mean the Office of Secretary of State Ethics Commission created by the State Gift Ban Act [5 ILCS 425].

"Complaint" shall mean a written, signed, verified and notarized document that alleges a violation of the State Gift Ban Act by an officer or employee of the executive branch of State government under the jurisdiction of the Secretary of State. A complaint shall conform to the requirements of the State Gift Ban Act and this Part.

"Complainant" shall mean the person who submits a complaint to the Commission.

"Final" shall mean entered as signed by the Chairman and filed with the Commission.

"Final administrative decision" shall mean a decision subject to judicial review by the Circuit Court under the Administrative Review Law [735 ILCS 5/Art. III] and includes only those cases in which a fine was imposed by the Commission.

"Hearing on the complaint" shall mean the closed meeting held on the complaint during which the Complainant and Respondent present testimony and evidence, as described in 5 ILCS 425/60(d).

"Meeting" shall mean a regularly scheduled gathering of the Commission members, in person, by telephone, or by video conference, to discuss the business of the Commission in general.

"Meeting to determine sufficiency and probable cause" shall mean the closed meeting held on the complaint to decide the sufficiency of the complaint and probable cause, as described in 5 ILCS 425/60(c).

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"Official Receiving Clerk" shall mean the Chairman of the Commission (or designee) whose duties shall include, but are not limited to, receiving complaints on behalf of the Commission. Receipt of a complaint by the Chairman shall be receipt by the Commission.

"Public hearing on the complaint" shall mean a public hearing demanded by the Respondent, as described in 5 ILCS 425/60(f).

"Respondent" shall mean the person who is alleged to have violated the State Gift Ban Act as described in the complaint.

"Secretary of the Commission" shall mean one of the Commission members designated by the Commission, or a staff employee of the Secretary of State's Office designated by the Commission, or an individual with whom the Commission has contracted, to perform the duties of Secretary of the Commission. Duties of the Secretary of the Commission include, but are not limited to, keeping the minutes of the proceedings of the Commission, ensuring proper notifications are made as required by law, maintaining as custodian the Commission's records, and in general performing all duties incident to the position of Secretary of the Commission and such other duties as from time to time may be prescribed by the Chairperson or the Commission.

"Special meeting" shall mean a gathering of the Commission members called by the Chairman or any two members of the Commission.

**Section 568.120 Form of Complaint and Designations**

a) Form of Complaint: All complaints shall conform to the requirements of the procedures set forth in this Part and the Act. A complaint shall be in the form and format specified in this Part.

b) Designations: The person who is making the complaint shall be designated the Complainant and the person to whom the complaint is directed shall be designated the Respondent.

**Section 568.130 Standard Information in Complaints**

Each complaint shall be submitted on the form provided by the Commission or other written documentation containing the same information. The complaint shall include:

- a) A caption entitled "Verified Complaint" and a statement stating "concerning a violation of the State Gift Ban Act".
- b) Directly under the caption and statement required by subsection (a), the notation: "File Number: \_\_\_\_\_".
- c) The name, mailing address and telephone number and title of the Complainant.
- d) The name of the Respondent and, if known, his or her mailing address and telephone number.

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e) Plain and concise statement of the alleged violation.

f) Complete factual details of the facts and circumstances that support the Complainant's allegations that the State Gift Ban Act was violated or believed to be violated. Each alleged violation comprising the complaint shall be individually stated in separate numbered counts.

Each count shall:

- 1) state the date of the commission of the violation, location where the violation occurred, and the person alleged to have committed the violation.
- 2) state, in a logical and meaningful order, the facts and circumstances supporting the alleged violation, being specific as to dates, times, acts and conduct involved, as well as the names, addresses and telephone numbers of any person with knowledge of the alleged violation, noting the exact nature of his or her knowledge.
- 3) present a concise description of any evidence known to the Complainant to support the complaint.
- 4) have attached to the complaint, as exhibits, any documents relied upon in support of the complaint.

**Section 568.135 Verification**

a) Every complaint shall be notarized and verified upon oath or affirmation in substantially the following manner: I the undersigned, under penalties of perjury, swear/affirm that the statements set forth in this Complaint are true, correct and complete, except as to matters stated to be based on information and belief, and as to such matters I swear/affirm that I believe the same to be true.

b) All complaints that do not contain this verification will not be processed, but will be returned to the Complainant for this verification.

**Section 568.140 Jurisdiction**

The Commission may only investigate and render a finding on an incident contained in a written complaint that is filed within one calendar year after the incident occurred. Any complaint filed beyond this period of time shall be dismissed by the Commission for lack of jurisdiction. Complaints that are filed with the Commission shall comply with the procedures set forth in this Part and the Act to be considered by the Commission.

**Section 568.150 Official Receiving Clerk**

- a) The Chairman of the Commission (or designee) shall serve as the official receiving clerk of the Commission for the purpose of receiving complaints on behalf of the Commission. Receipt of a complaint by the Chairman shall be receipt by the Commission.
- b) Receipt of a complaint by any other person, including Commissioners of



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the Commission, is not receipt by the Commission until the complaint is received by the Chairman.

c) A person may file a written verified complaint at the following location:

Secretary of State's Ethics Commission Chairman  
State Capitol  
Room 213  
Springfield IL 62756

### Section 568.160 Filing of Complaint/Determination of Sufficiency and Probable Cause

Upon receipt of a complaint by the Commission, the procedures set forth in Section 60(a) through (g) of the Act and in this Part, as applicable, shall apply. All hearings, whether closed or open, shall be recorded either through an electronic device or by court reporter. After receipt of a verified written complaint, the Commission shall:

- a) Within three business days send by certified mail, return receipt requested, a notice to the Respondent that a complaint has been filed against him or her, along with a copy of the complaint. The notice shall also state the date, time and place of the meeting at which the Commission will determine the sufficiency of the complaint and whether probable cause exists to proceed with the complaint.
- b) Send by certified mail, return receipt requested, at the same time notification is sent to the Respondent, but no later than three business days after the submission of the complaint, a confirmation to the Complainant of receipt of the complaint. A notice shall also be included that advises the Complainant of the date, time and place of the Commission meeting at which the Commission will determine the sufficiency of the complaint and whether probable cause exists to proceed with the complaint. All notices sent prior to a determination of the existence of sufficiency and probable cause shall not identify the Complainant or Respondent by name, but shall designate the case by file number.
- c) Post all public notices in the Howlett Building, Springfield, Illinois and at 17 North State, Chicago, Illinois.
- d) Upon at least 24 hours notice, meet in closed session to review the filed complaint. At least four members of the Commission must be present for a quorum to exist to proceed with the hearing on the complaint. If a quorum is not present, the Commission may adjourn to a date and time when a quorum may be present.
- e) Review the complaint and determine whether the complaint sufficiently alleges a violation of the Act. If the Commission determines that the complaint is sufficient, the Commission will determine whether, solely based on the evidence identified in and attached to the complaint, probable cause exists to proceed with further hearing on the complaint.

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- f) Within seven business days after the complaint is filed, issue notice to the Complainant and the Respondent as to the determination of the Commission on the sufficiency of the complaint and whether probable cause exists to proceed further. Notice shall be sent by certified mail, return receipt requested.
- g) If the complaint is not deemed to be sufficient or probable cause does not exist, the notice shall include a notice to the Complainant and the Respondent that the complaint is being dismissed. Notice of dismissal of the complaint will be made available for public inspection.

### Section 568.170 Procedures Following Determination of Probable Cause

- a) If the Commission determines that a complaint sufficiently alleges a violation of the Act, and that probable cause exists to proceed further, the Commission shall also enclose with the notice advising the Complainant and Respondent of its decision, a notice of the date, time and location of the hearing on the complaint. The hearing date shall be scheduled within four weeks from the date the complaint was officially received.
- b) At least 24 hours prior to the hearing on the complaint, the Commission shall provide public notice of the hearing date, time and location and shall note on the notice that the hearing is closed to the public.
- c) On the date of closed hearing on the complaint, the Commission shall permit the Complainant and Respondent to present testimony and evidence.
- d) Following the hearing, and within six weeks after the official receipt of the written complaint, the Commission shall either:
  - 1) dismiss the complaint; or
  - 2) issue a preliminary recommendation regarding the Respondent to the Secretary of State, with a copy to the alleged violator, and/or impose a fine upon the violator.
- e) Notice of a preliminary recommendation or any fine imposed shall be sent to the Respondent by certified mail, return receipt requested.
- f) Any preliminary recommendation, any particular findings by the Commission, and any fine imposed shall be made a available for public inspection.
- g) Within seven business days after the issuance of a preliminary recommendation and/or imposition of a fine, the Respondent may file a written demand for a public hearing on the complaint. The filing of the written demand shall stay the enforcement of the preliminary recommendation or fine.
- h) Within two weeks after receiving the demand, the Commission shall conduct a public hearing on the complaint. At least 24 hours public notice of the hearing shall be provided.
- i) At the hearing, the Complainant and Respondent shall be allowed to present testimony and evidence to the Commission. Within five

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business days, the Commission shall publicly issue a final recommendation to the alleged violator and to the Secretary of State and/or impose a fine.

j) The Commission, for a violation of the Act, may recommend any and all disciplinary action permitted by the Act.

k) The Secretary of State shall review the preliminary recommendation and shall either agree or disagree with the recommendation and the proposed disciplinary action. The Secretary of State may, within his or her discretion, impose greater or lesser disciplinary action than recommended by the Commission.

l) A fine may be imposed by the Commission and is not subject to review by the Secretary of State. Any fine that has been imposed by the Commission shall be considered a final administrative decision appealable under the Administrative Review Law [735 ILCS 5/Art. III].

**Section 568.180 Frivolous Complaints**

Any person who knowingly files a frivolous complaint alleging a violation of the Act may be subject to a fine by the Commission up to \$5,000.

**Section 568.190 Ethics Commission Members and Terms of Office**

a) The Commission shall consist of seven commissioners appointed by the Secretary of State. No more than four of the seven appointees shall be of the same political party [5 ILCS 425/45].

b) The initial appointees to the office of Commissioner shall be divided into two groups. The Commissioners of the first group shall serve two-year terms and the Commissioners of the second group shall serve one-year terms. Thereafter, Commissioners shall be appointed to two-year terms. Commissioners may be reappointed to serve subsequent terms. [5 ILCS 425/45]

c) The Commission shall operate on a calendar year basis commencing January 1, 2000.

**SUBPART B: COMMISSION PROCEDURES****Section 568.200 Meetings of the Commission**

a) Commencing in January 2000, and every other month thereafter, a regularly scheduled meeting of the Commission will be held. The members shall schedule the dates for such meetings at the commencement of the calendar year.

b) Special meetings of the Commission may be called by the Chairperson or any two members of the Commission.

c) The regular meetings of the Commission shall be held at Springfield, Illinois, or such other place as designated by the Chair. The place of special meetings shall be designated by the Chair.

d) Notice of regular or special meetings shall be transmitted to the

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members not less than five business days prior to any session of the Commission.

e) Public notice of meetings shall be posted in the Howlett Building, Springfield, Illinois, and at the Office of the Secretary of State at 17 North State Street in Chicago, Illinois. Such public notice of meetings shall be posted at least 24 hours prior to the date and time of the meeting.

f) A quorum of the Commission shall consist of a majority (four members) of the Commission. Official action of the Commission shall require the affirmative vote of the majority of members of the Commission (four). [5 ILCS 425/45(d)]

g) The Commission may designate one of its members as Secretary of the Commission, designate a staff employee of the Secretary of State's Office as Secretary of the Commission or, pursuant to Section 50 of the Act, contract with an individual to perform the duties of Secretary of the Commission.

h) Voting shall be by voice vote and shall be recorded by the Secretary of the Commission.

**Section 568.210 Committees**

a) The members of the Commission, by resolution, may create one or more committees and appoint members of the Commission or others to serve on the committees. Each committee shall have three or more members who shall serve at the pleasure of the Commission. Unless the appointment by the members of the Commission requires a greater number, a majority of any committee shall constitute a quorum and any action shall require the affirmative vote of a majority of the members of the committee.

b) A committee may recommend by unanimous consent in writing without a meeting or subject to the provisions of Section 568.220 of this Part. A committee, by a majority vote of its members, shall determine the time and place of meetings and notice required.

c) A committee shall be limited in its scope to such matters as specifically referred to it by the members of the Commission, and it shall take no action inconsistent with that direction nor consider any other matters, other than those matters given to it by the Commission.

**Section 568.220 Informal Action by Committee Members**

An action may be taken without a meeting if a consent in writing, setting forth the action taken, is signed by all of the committee members. All approvals of the action taken and evidencing consent shall be delivered to the Secretary of the Commission to be placed in the Commission records.

**Section 568.230 Telephonic Meetings**

a) Members may attend meetings by telephone or video conference, so long



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as at least three of the members of the Commission are physically present at the time and place designated for the meeting. Members should notify the Chair, or the Chair's designee, of their intentions as to attendance.

- b) Members of any committee of the Commission may participate and act at any meeting of the committee through the use of a conference telephone or video communications equipment. All persons participating in the meeting by these methods shall be considered to be in attendance. For a committee meeting, there is no requirement of physical presence.

**Section 568.240 Presumption of Assent**

A member of the Commission or a member of a committee who is present at a meeting of either the Commission or a committee at which action on any matter is taken shall be conclusively presumed to have assented to the action, unless the member's dissent is entered in the minutes of the meeting or unless the member files, before adjournment of the meeting, written dissent to the action with the person acting as the secretary of the meeting, or forwards such dissent to the secretary of the meeting immediately after the adjournment of the meeting.

**Section 568.250 Resignations, Removal and Vacancies**

- a) Any member of the Commission may resign at any time by giving written notice to the members of the Commission and the Secretary of State. The resignation shall take effect at the time specified in the notice and, unless tendered to take effect upon acceptance, the acceptance of the resignation shall not be necessary to make it effective.
- b) A Commissioner may be removed by the Secretary of State in case of incompetency, neglect of duty, or malfeasance in office. The copy of the charges against a Commissioner shall be in writing and shall be served on the Commissioner by certified mail, return receipt requested. The Commissioner so charged shall have 10 business days after the receipt of the copy of the charges to request an opportunity to be heard and respond to the charges in person or by counsel. A hearing requested by a Commissioner so charged shall be held not less than 10 business days after the request for a hearing on the charges is received. [5 ILCS 425/45(c)]
- c) Any vacancy occurring in the members of the Commission shall be filled by the Secretary of State for the completion of the term of the vacant position.

**Section 568.260 Officers of the Commission**

- a) The Chairperson, subject to the control of the Commission, shall in general supervise the business and affairs of the Commission and shall see that resolutions and directions of the Commission are carried into effect except when that responsibility is specifically assigned to

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some other person by the Commission. The Chairperson shall preside at all meetings of the Commission.

- b) In the absence of the Chairperson, or in the event of the Chairperson's inability or refusal to act, the Vice Chairperson shall perform the duties of the Chairperson and, when so acting, shall have all the authority of and be subject to all the restrictions upon the Chairperson.

- c) The Secretary of the Commission shall:
  - 1) keep the minutes of the proceedings of the Commission;
  - 2) be the custodian of the Commission's records;
  - 3) in general, perform all duties incident to the position of Secretary of the Commission and such other duties as from time to time may be prescribed by the Chairperson or the Commission.

**Section 568.270 Conflict of Interest**

- a) In the event that a member of the Commission believes that he or she has a conflict of interest with respect to any matter brought before the Commission or for any other reason, that member shall advise the Commission of the material facts of any transaction in which the member may have an interest or any relationship that the member believes may create a conflict.
- b) If the members of the Commission believe that the situation constitutes a conflict of interest, then the member shall abstain from voting on the issue. The abstinance from voting by the member shall not alter the requirement that a majority (four votes) is necessary for the Commission to take official action. The Commission may request an opinion of the Attorney General on the issue if they believe such an opinion is needed.

**Section 568.280 Robert's Rules of Order**

The meetings of the Commission and its committees shall be governed by Robert's Rules of Order, except in such instances where statutes supersede this part or supersede Robert's Rules of Order. Additionally, the Commission may adopt specific procedures inconsistent with Robert's Rules of Order.

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## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Prequalification of Architects and Engineers2) Code Citation: 44 Ill. Adm. Code 9803) Section Numbers:Adopted Action:

980.120 Amendment  
 980.130 Amendment  
 980.160 Amendment  
 980.180 Amendment  
 980.190 Amendment  
 980.200 Amendment  
 980.210 Repealed  
 980.300 Amendment  
 980.320 Amendment  
 980.460 Repealed

4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 16 of the Act.5) Effective Date of Rulemaking: April 17, 20006) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: January 28, 2000; 24 Ill. Reg. 1407.10) Has JCAR issued a Statement of Objection to these amendments? No11) Differences between proposal and final version:

1. Section 980.220(b) reinstated stricken language, "Processing of applications by CDB may require up to 45 days after receipt of all requested information and a completed application."

2. Section 980.200 deleted new subsection labels and reinstated stricken labels.

3. Section 980.200(c) reinstated stricken language, "which will also be entered on CDB's electronic program."

4. Section 980.200(c) reinstated stricken language, "Updated or new A/E information including the term of prequalification will be entered on

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CDB's electronic program weekly. The electronic program will be capable of, among other things, sorting A/Es by profile codes to produce lists of A/Es in the various profile codes. At the beginning of each month, a list of A/Es whose prequalification expires in approximately 60 days will be generated."

Other changes made were minor technical corrections and grammatical changes in response to comments made by JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this rulemaking replace an emergency amendment currently in effect?  
No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking: This rulemaking changes the period of prequalification from one year to two years. Revises the definition of "A/E" to reflect current licensing/registration requirements of the Department of Professional Regulation. Clarifies the differences between profile codes and trade codes. Clarifies provisions on effect of misrepresentation in applications of prequalification.16) Information and questions regarding these adopted amendments shall be directed to:

Fredrick W. Hahn, Chief Counsel  
 Capital Development Board  
 3rd Floor, Wm. G. Stratton Bldg.  
 Springfield, Illinois 62706  
 Telephone: 217/782-0700

The full text of the adopted amendments begins on the next page:



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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT  
 SUBTITLE B: SUPPLEMENTAL PROCUREMENT  
 CHAPTER XII: CAPITAL DEVELOPMENT BOARD

## PART 980

## PREQUALIFICATION OF ARCHITECTS AND ENGINEERS

## SUBPART A: RESPONSIBILITY

|         |   |
|---------|---|
| Section | Purpose   |
| 980.110 | Definitions   |
| 980.120 | Prequalification Required                                     |
| 980.130 | Special Projects  |
| 980.140 | Confidentiality   |
| 980.150 | Sources for Determining Responsibility                        |
| 980.160 | Department of Professional Regulation Action                  |
| 980.170 | Prequalification of Firms and Office Locations                |
| 980.180 | Trade Codes and Types of Profile Codes                        |
| 980.190 | Processing of Architect-Engineer Prequalification Application |
| 980.200 | Ineligibility (Repealed)                                      |
| 980.210 |   |

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF  
 PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

|         |  |
|---------|--|
| Section | Actions Affecting Responsibility and Prequalification  |
| 980.300 | Causes for Suspension, Debarment, Modification of Prequalification, and Conditional Prequalification |
| 980.310 | Nullification of Prequalification  |
| 980.320 |  |

## SUBPART C: APPLICATION OF CDB ACTION

|         |  |
|---------|--|
| Section | General                                |
| 980.400 | Violation of CDB Order                 |
| 980.410 | Denial of Award of Contract            |
| 980.420 | Debarment                              |
| 980.430 | Reapplication for Prequalification     |
| 980.440 | Extension of CDB Action                |
| 980.450 | Effect on Current Contracts (Repealed) |
| 980.460 | Basis of Decisions                     |
| 980.470 | Settlement                             |
| 980.480 |  |

## SUBPART D: PROCEDURES

|         |        |
|---------|--------|
| Section | Review |
| 980.500 |        |

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|         |                      |
|---------|----------------------|
| 980.510 | Notice of CDB Action |
| 980.520 | Executive Director   |
| 980.530 | Hearings             |
| 980.540 | Burden of Proof      |

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 16 of that Act.

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20317, effective October 1, 1984; amended at 9 Ill. Reg. 17329, effective October 29, 1985; amended at 12 Ill. Reg. 20446, effective November 29, 1988; Part repealed, new Part adopted at 22 Ill. Reg. 1154, effective January 1, 1998; amended at 22 Ill. Reg. 20026, effective November 9, 1998; amended at 24 Ill. Reg. **6663** --, effective APR 17 2000.

## SUBPART A: RESPONSIBILITY

## Section 980.120 Definitions

The following definitions shall apply to this Part:

"A/E" means an individual or firm in the business of providing architectural, engineering or land surveying services as authorized by the State of Illinois Department of Professional Regulation (DPR). Licensed individuals shall be registered with DPR as sole proprietors. Firms and corporations shall be registered with DPR. Architectural or engineering firm that is in the business of offering the practice or furnishing of architectural or engineering services for building projects which is registered with the Department of Professional Regulation and licensed to practice architecture, structural engineering or professional engineering in the State of Illinois or which is properly authorized under the Professional Service Corporation Act and by the Department of Professional Regulation to practice architecture, structural engineering or professional engineering in the State of Illinois. For purposes of this Part, this includes licensed individuals transacting business as sole proprietorships, which are not required to be registered with the Department of Professional Regulation.

"CDB" means the Capital Development Board, the agency.

"Consultant" means a firm or individual who will perform a portion of the contract or assist the A/E in its performance of the contract under a contract with the A/E.

"Contract or Contract Requirements" consist of any and all provisions

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of the CDB Professional Services Agreement (PSA).

"Office Location" means all locations at which the A/E provides professional services under the license granted by the Department of Professional Regulation and that are under the responsibility of the managing agent for that license.

"Parent Office" means the primary location of the A/E's place of business.

"Key Person" means any individual who holds 5% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that organization who holds a 5% or more ownership interest is considered a "key person". Regardless of ownership interest, any officer, partner, managing agent or director is considered a "key person". This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc., regardless of ownership interest.

"Performance Record" consists of, but is not limited to, the following:

Evidence of material compliance with all CDB contract requirements.

Data indicating the A/E has met all contract requirements on previous contracts, private and public.

"Prequalification" is the status granted by CDB to responsible A/E's that permits them to make submittals on CDB projects or be awarded a CDB contract.

"Profile Codes" means branches of knowledge or expertise of architectural or engineering practice that may be provided by firms and that are listed on CDB's A/E prequalification application.

"Responsibility" is a determination made by CDB that the A/E is a responsible A/E. The determination may be made at any time. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of an application to CDB, may be changed upon receipt of additional or different information. The A/E is required to inform CDB of any significant change to the information submitted in its application. Each A/E must provide CDB with adequate documentation of responsibility. CDB will ordinarily provide forms for this information. CDB may supplement this

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information from other sources and may require additional documentation at any time. A responsibility determination may also be verified on an ongoing basis through other information, including performance evaluations and reference contacts.

"Responsible A/E" is a firm that:

Has adequate financial resources to perform the contract, or the ability to obtain them. This includes, but is not limited to, the ability to obtain required insurance from insurance companies acceptable to CDB.

Is able to comply with the contract requirements, considering the firm's other business obligations.

Has a satisfactory performance record.

Has a satisfactory record of integrity and business ethics.

Has the necessary organization, experience, accounting and operational controls, and technical skills.

Is otherwise qualified and eligible to receive a contract award under applicable laws and regulations.

"Trade Codes" means the professional practice in which the individual is licensed, or the firm is registered, by DPR to practice and, for general engineering licenses, any area of specialty within that practice.

"types--of--Profile-Codes" means branches of knowledge or expertise of architectural or engineering practice that may be provided by firms and that are listed on CDB's A/E prequalification application.

(Source: Amended APR 17 2000 at 24 Ill. Reg. 6663, effective           )

## Section 980.130 Prequalification Required

CDB shall prequalify A/E's as required by the Architectural Engineering and Land Surveying Qualifications Based Selection (QBS) Act [30 ILCS 535]. Firms must be prequalified prior to any submittal of qualifications or interest for a specific specified project and prior to entering a contractual relationship with CDB. All individuals and firms seeking to provide any services regulated by the Department of Professional Regulation on a CDB project shall be prequalified. Firms must also be prequalified for any selection for a project and associated contract exempt from the QBS Act. All architects, engineers and their architectural, engineering, or land surveying consultants shall be



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**prequalified-with-CDB:** Prequalification shall be based upon a determination of responsibility from, but not limited to, the information supplied on a properly completed CDB prequalification application.

(Source: Amended at 24 Ill. Reg. 6663 effective APR 17 2000)

**Section 980.160 Sources for Determining Responsibility**

To determine an A/E's responsibility, CDB may utilize information obtained from one or more of the following sources. In evaluating the information, greater consideration shall be given to the A/E's most recent projects and projects with CDB.

- a) A/E prequalification application form.
  - 1) A/E applications shall require at a minimum:
    - A) Completed application form;
    - B) The disclosure of the name of each key person associated with the firm, and their respective percentage of ownership;
    - C) Work experience and resumes relevant to the type of practice and profile codes requested; ~~including resumes of all key personnel;~~
    - D) Copies of the individual licenses for sole ownership firms transacting business under the individual's real name and applicable professional design firm registration with the Department of Professional Regulation for all firms;
    - E) Certification of compliance with statutory requirements;
    - F) ~~Evidence of insurability with an insurance company acceptable to CDB;~~
- FG) Work history reference checks. References provided may be verified and documented by the following methods:
  - i) Telephone reference checks; or
  - ii) Reference questionnaire; and
- GH) CDB work history, if CDB projects have been awarded.

- 2) Application updates
 

The A/E shall have an affirmative duty to update significant information within 10 days after occurrence. Significant changes, of which CDB shall be notified, include, but are not limited to:

- A) Change of entity corporate structure, including sole owners, partnerships, and federal employee identification number;
- B) Change of name;
- C) Change of address;
- D) Change or loss of personnel in areas that may affect the types of professional practice or profile codes that may have been granted;
- E) Minority/female owned firm status;
- F) Change or initiation of hearing in licensure or registration status with the Department of Professional Regulation;

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- C) Loss of Secretary of State "good standing" status;
- H) Filing of bankruptcy;
- I) Filing of formal criminal charges against the firm or its officers, owners or employees;
- J) Suspension or debarment by another governmental agency; and
- K) Contract terminations.

- b) Satisfactory CDB work history
 

CDB may review documentation of the A/E's current and past work and performance history, including adherence to CDB's rules, resolutions, and procedures. Such documentation includes, but is not limited to, performance evaluations prepared by CDB, user agencies, or contractors.

- c) Other governmental entities
 

CDB may conduct history reference checks by contacting Federal, State or local governmental entities.

- d) Other sources
 

In order to determine responsibility, CDB may conduct reference checks from any other source, which may include, but is not limited to:

- 1) Financial institutions;
- 2) Periodicals;
- 3) Newspapers;
- 4) Court records; and
- 5) Any type of public record.
- e) Previous employment history
 

For any newly organized firm or a firm with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.
- f) Additional information
 

CDB may request additional information from the A/E at any time.

(Source: Amended at 24 Ill. Reg. 6663 effective APR 17 2000)

**Section 980.180 Prequalification of Firms and Office Locations**

- a) Only legal entities permitted by law to practice architecture, or engineering, or land surveying shall be prequalified, including any office location at which the firm provides architectural or engineering services.
- b) The A/E shall list all office locations that the prequalification shall include and indicate any assumed name for each office location if different from the parent office. These office locations may be business subsidiaries, divisions, branches, etc. that provide professional services under the responsibility of the managing agent for the A/E.
- c) Prequalification shall not be extended to another business location or entity of the A/E solely because of an ownership relationship.

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(Source: Amended at 24 Ill. Reg. 6663, effective APR 17 2000)

## Section 980.190 Trade Codes and Types of Profile Codes

- a) The A/E shall indicate on the application form specific trade codes and types of profile codes within the A/E's their type of practice(s) in which the A/E has specific areas of knowledge, expertise, or experience on the application form. The applicant may indicate only those trade profile codes consistent with the applicant's their licensed areas of practice.
- b) This information may be used by CDB in the selection of firms for projects exempt from the GBS Act. It does not relieve the firm from providing the same or additional information in the statement of qualifications submitted for a specific project. CDB may request additional information during the prequalification process to verify that the firm possesses the required knowledge, expertise or experience to be considered for work in any profile code. CDB may deny prequalification in a particular profile code during the prequalification process if the firm fails to demonstrate its knowledge, expertise or experience to CDB's satisfaction.
- c) Demonstration of knowledge, expertise, or experience in a profile code may be required to be supported by licenses or certification issued by governmental agencies such as the Department of Public Health, Illinois Historic Preservation Agency, etc.
- d) CDB's decisions regarding the types of profile codes granted to an A/E shall not be subject to hearing procedures (Section 980.530). However, upon request of a firm, a conference to discuss the issue shall be held.

(Source: Amended at 24 Ill. Reg. 6663, effective APR 17 2000)

## Section 980.200 Processing of Architect-Engineer Prequalification Application

- a) A/Es must complete a prequalification application.
- b) Processing of applications by CDB may require up to 45 days after receipt of all requested information and a completed application.
- c) Applications for renewal will ordinarily be sent to the A/Es 60 days before the expiration of current prequalification. A/Es who do not receive an application are responsible for contacting CDB prior to expiration to request an application. Unless otherwise specified in writing by CDB, the term of prequalification shall be two years from the end of the month the prequalification begins one-year. When prequalification is granted, the A/E will be notified in writing of the expiration date, which will also be entered on CDB's electronic program. CDB may grant a shorter term of prequalification by agreement with the A/E, when a determination is made that a shorter

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period is justified, or when a special prequalification is developed specifically for a certain project. CDB may, in its discretion, grant a longer period of prequalification when deemed appropriate in light of recent and relevant satisfactory project performance. Updated or new A/E information including the term of prequalification will be entered on CDB's electronic program weekly. The electronic program will be capable of, among other things, sorting A/Es by profile code to produce lists of A/Es in various profile codes. At the beginning of each month, a list of A/Es whose prequalification expires in approximately 60 days will be generated.

- d) Applications may be sent to CDB by facsimile, provided that the original application is received by CDB within five business days.
- e) CDB shall review and evaluate each application received, which may include one or more of the following actions:
  - 1) Reviewing to determine whether the application is filled out in accordance with the instructions provided;
  - 2) Contacting work references or any other possible sources of pertinent information;
  - 3) Requesting additional information from the applicant;
  - 4) Reviewing CDB A/E performance evaluations; and
  - 5) Meeting with the applicant at the request of CDB or the applicant.
- f) CDB shall deny prequalification status to any firm that has not affirmatively demonstrated its responsibility. CDB's determination of responsibility on an application for prequalification shall be final. An individual or firm may not submit a new or revised application for prequalification within 180 days after any denial of an application.

(Source: Amended at 24 Ill. Reg. 6663, effective APR 17 2000)

## Section 980.210 Ineligibility (Repealed)

An A/E, whether or not previously determined to be responsible by CDB, may be ineligible to submit proposals on CDB projects under the following circumstances:

- a) The A/E fails to meet statutory or regulatory requirements other than those set out in this Part.
- b) The A/E has inadequate relevant experience or resources to undertake CDB projects in determining whether an A/E has adequate relevant experience CDB will consider the size, type, number, and recency of past, private and public contracts of the firm, its predecessors, or key persons with the firm. However, size alone shall not be cause for denying prequalification.

(Source: Repealed at 24 Ill. Reg. 6663, effective APR 17 2000)



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SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF  
PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

## Section 980.300 Actions Affecting Responsibility and Prequalification

At any time, CDB may consider whether an action is warranted concerning an A/E's prequalification. Actions that may be taken include one or more of the following:

- a) Interim or Emergency Suspension or Modification  
CDB may summarily suspend or modify an A/E's prequalification in accordance with Section 16 of the Capital Development Board Act [20 ILCS 3105/16].
- b) Debarment  
CDB may debar an A/E to exclude it from making submittals for CDB contracts as authorized by statute. The period of debarment shall be not less than five years and may be permanent when warranted or as authorized by law [20 ILCS 3105/16].
- c) Modification of Prequalification  
CDB may modify or restrict ~~it~~ an A/E's prequalification as appropriate, including, but not limited to, one or more of the following:
  - 1) Limiting the size or type of contracts for which an A/E may submit proposals for a specified period of time or until a current contract is substantially complete.
  - 2) Limiting the number of CDB contracts an A/E may enter into for a specified period of time, or until a current contract is substantially complete.
  - 3) Limiting the aggregate dollar amount of contracts the A/E may enter into with CDB.
  - 4) Imposing limits as set forth above pending performance on the A/E's next CDB contract(s) in instances where the A/E has no current CDB contracts.
- d) Conditional Prequalification  
CDB may condition prequalification (which may be otherwise limited) on the A/E's successful utilization of a management plan, evaluations, conferences, or other methods designed to achieve satisfactory performance or compliance with contract requirements.
- e) Suspension  
CDB may suspend an A/E firm or disqualify an A/E firm temporarily from submitting with CDB, for a period of time up to five years. The A/E's failure to timely pursue administrative action as provided by Subpart D of this Part shall constitute consent of the A/E to CDB's action.

(Source: Amended at 24 Ill. Reg. 6663, effective  
APR 17 2000)

## Section 980.320 Nullification of Prequalification

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When CDB determines that an A/E has knowingly made a material misrepresentation in its application for prequalification, the A/E may not reapply to CDB for a period of three years from the date of the determination of material misrepresentation.

- a) ~~When the A/E has not previously applied to CDB, or it failed to reapply, the three-year period shall begin on the date of the submittal of the application.~~
- b) ~~When the A/E is currently prequalified, the three-year period shall begin on the date prequalification was granted.~~
- ae) CDB will notify the A/E of the nullification ~~nuity~~. The A/E may, within 30 days after notification, submit a written explanation with supporting documentation for CDB's review.
- bd) CDB may cancel awards or terminate any contracts awarded that were based upon the application with misrepresentations.
- ce) A material misrepresentation is made by knowingly submitting any untrue, misleading or deceptive information or document containing such information, or by the concealment, suppression or omission of any information, in or from an application, which causes CDB to act differently than it would have if it had known the undisclosed or true information.

(Source: Amended at 24 Ill. Reg. 6663, effective  
APR 17 2000)

## Section 980.460 Effect on Current Contracts (Repealed)

~~Current CDB contracts may be terminated when an A/E is determined to be non-responsible and it is in the public interest to do so, whether or not the non-responsibility has a direct connection with the current contract. Contracts may be terminated with or without further action on the A/E's prequalification.~~

(Source: Repealed at 24 Ill. Reg. 6663, effective  
APR 17 2000)

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made in response to comments received during the first notice or public comment period:

1. In Section 220.1100(d), "calculated after June 1, 2000" was added after "four months".
2. In Section 220.1900(b), the following was added: "Participants who were admitted prior to June 1, 2000, shall have an assessment completed within 60 days after June 1, 2000, unless an assessment has already been completed. An assessment completed at a hospital, which meets the requirements of this Section, may be accepted by the Model."
3. In Section 220.2700(e), the following was added: "Individuals who were employed by the Model prior to June 1, 2000, shall have an initial health evaluation within six months after licensure of the Model."
4. In Section 220.2800(a), the following was added: "The model shall initiate background checks within six months after licensure of the Model for persons who were employed at the time of licensure."

The following changes were made in response to comments and suggestions of the JCAR:

1. In Section 220.1200(a)(1), "[20 ILCS 3960]" was deleted.
2. In Section 220.1600(a), "and shall provide the applicant or licensee an opportunity to file a request for a hearing" was italicized.
3. In Section 220.1700(d), "earthquakes" was added after "severe weather".
4. In Section 220.1900(b), "or registered nurse" was changed to "with input from the registered nurse".
5. In Section 220.2000(c)(3), "designated" was changed to "assigned".
6. In Section 220.2100(a)(18), ", other than labor that is an element of the rehabilitation program as outlined in the Individual Rehabilitation Plan" was added before the semi-colon.
7. In Section 220.2100(a)(23), ", within the bounds of good personal hygiene," was added after "determine".
8. In Section 220.2500(a)(3), "trained in administering medication" was added after "house staff".
9. In Section 220.2700(k)(5), "physical" was added before "transfer".

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1) Heading of the Part: Community-Based Residential Rehabilitation Center Demonstration Program Code

2) Code Citation: 77 Ill. Adm. Code 220

| <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 220.1000                | New Section            |
| 220.1050                | New Section            |
| 220.1100                | New Section            |
| 220.1200                | New Section            |
| 220.1300                | New Section            |
| 220.1400                | New Section            |
| 220.1500                | New Section            |
| 220.1600                | New Section            |
| 220.1700                | New Section            |
| 220.1800                | New Section            |
| 220.1900                | New Section            |
| 220.2000                | New Section            |
| 220.2100                | New Section            |
| 220.2200                | New Section            |
| 220.2300                | New Section            |
| 220.2400                | New Section            |
| 220.2500                | New Section            |
| 220.2600                | New Section            |
| 220.2700                | New Section            |
| 220.2800                | New Section            |
| 220.2900                | New Section            |
| 220.3000                | New Section            |
| 220.3100                | New Section            |

4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

5) Effective date of rules: April 25, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal was Published in Illinois Register: November 19, 1999  
- 23 Ill. Reg. 13783

10) Has JCAR issued a Statement of Objection to these rules? No

11) Difference between proposal and final version: The following changes were



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10. In Section 220.2800(i)(2) and (s)(3), "health care employer" was changed to "Model".

11. In Section 220.2900(c), ", ascertained through a group decision-making process" was added after "preferences".

12. In Section 220.2900(f), "for" was changed to "adequate to prepare", "week" was changed to "week's meals", and "days" was changed to "day's meals".

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? yes

13) Will these rules replace emergency rules currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the rules: These rules establish requirements for licensure of a Community-Based Residential Rehabilitation Center Model under the Alternative Health Care Delivery Act (Act), as amended by P.A. 91-0065. A Community-Based Residential Rehabilitation Center Model (Model) is "a designated site that provides rehabilitation or support, or both, for persons who have experienced severe brain injury, who are medically stable, and who no longer require acute rehabilitation care or intense medical or nursing services." The Act authorizes one such facility, located in the area of Illinois south of Interstate Highway 70.

The rules include licensure application and renewal requirements; provisions for Department inspections and investigations; requirements for admission practices, participant assessment and development of individual rehabilitation plans; requirements for participant care and treatment, recordkeeping, rights of participants; and residential services; personnel, food service, and physical plant requirements; discharge and follow-up practices, quality assessment and improvement and compliance with the Health Care Worker Background Check Act.

16) Information and questions regarding these adopted rules shall be directed to:

Paul Thompson, Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
(rules@idph.state.il.us).

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The full text of the adopted rules begins on the next page:

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TITLE 77: PUBLIC HEALTH  
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 220  
 COMMUNITY-BASED RESIDENTIAL REHABILITATION CENTER  
 DEMONSTRATION PROGRAM CODE

|          |  |
|----------|--|
| Section  |  |
| 220.1000 | Definitions  |
| 220.1050 | Referenced Materials   |
| 220.1100 | Demonstration Program Elements   |
| 220.1200 | Application for and Issuance of a License to Operate a<br>Community-Based Residential Rehabilitation Center Model<br>Obligations and Privileges of Community-Based Residential<br>Rehabilitation Center Models |
| 220.1300 | Inspections and Investigations   |
| 220.1400 | Notice of Violation and Plan of Correction   |
| 220.1500 | Adverse Licensure Action   |
| 220.1600 | Policies and Procedures  |
| 220.1700 | Admission Practices  |
| 220.1800 | Participant Assessment   |
| 220.1900 | Individual Rehabilitation Plan   |
| 220.2000 | Participant Rights   |
| 220.2100 | Participant Care and Treatment Services  |
| 220.2200 | Participant Record Requirements  |
| 220.2300 | Residential Services   |
| 220.2400 | Medication Administration  |
| 220.2500 | Discharge and Follow-up Practices  |
| 220.2600 | Personnel  |
| 220.2700 | Health Care Worker Background Check  |
| 220.2800 | Food Service   |
| 220.2900 | Physical Plant   |
| 220.3000 | Quality Assessment and Improvement   |
| 220.3100 |  |

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3] (see P.A. 91-65).

SOURCE: Adopted APR 25 2000 at 24 Ill. Reg. 6675, effective

## Section 220.1000 Definitions

The following terms have the meaning ascribed to them here whenever the term is used in this Part.

Abuse - any physical or mental injury or sexual assault inflicted on a participant other than by accidental means in a facility. Abuse

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## means:

Physical abuse refers to the infliction of injury on a participant that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to patients or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent. Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

## Sexual assault.

Act - the Alternative Health Care Delivery Act [210 ILCS 3].

Active treatment - an interaction between a participant and staff member that is intended to result in greater autonomy or independence for the participant.

Board - the State Board of Health. (Section 10 of the Act)

Case Manager - the person who is responsible for organizing the provision of services to the participant.

Charitable Care - the intentional provision of free or discounted services to persons who cannot afford to pay for them.

Community-Based Residential Rehabilitation Center Model or Model - a designated site that provides rehabilitation or support, or both, for persons who have experienced severe brain injury, who are medically stable, and who no longer require acute rehabilitation care or intense medical or nursing services. (Section 35(4) of the Act)

Comparable Health Care Providers - other community-based residential rehabilitation programs in the region that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF).

Demonstration Program or Program - a program to license and study alternative health care models authorized under the Act. (Section 10



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of the Act)

Department - the *Illinois Department of Public Health*. (Section 10 of the Act)

Dietician - a person who is a licensed dietician as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

Director - the *Director of Public Health* or designee. (Section 10 of the Act)

Individual Rehabilitation Plan - a coordinated plan that identifies rehabilitation goals and outcomes based on the participant's preferences, strengths, and challenges.

Inspection - any survey, evaluation, or investigation of the Community-Based Residential Rehabilitation Center Model's compliance with the Act and this Part by the Department or designee.

Least Restrictive - treating individuals in the least intrusive manner and the least intrusive environment possible, given each individual's needs and the risk of harm to self or others.

Licensee - the person or entity licensed to operate the Community-Based Residential Rehabilitation Center Model.

Neuropsychologist - a person who is licensed as a psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] who specializes in brain-behavior relationships. The neuropsychologist administers a series of tests to evaluate the person's cognitive, emotional, intellectual, and academic/vocational skills.

Occupational Therapist, Registered (OTR) - a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Operator - the person responsible for the control, maintenance and governance of the Model, its personnel and physical plant.

Owner - the individual, partnership, corporation, association or other person who owns the Model.

Participant - a person who resides in or receives services from a Community-Based Residential Rehabilitation Center Model.

Participant's Representative - a person authorized by the participant or by law to act on behalf of the participant.

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Physical Therapist - a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician - a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].

Registered Nurse - a person who is licensed as a registered professional nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Rehabilitation Team - the primary decision-making body, including the participant and primary rehabilitation personnel, that designs and delivers the aspects of the rehabilitation plan.

Residence - the place where a participant lives that is owned or leased and operated by the Model.

Social Worker - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

Speech/Language Pathologist - a person who is licensed under the Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and is responsible for diagnosis and treatment of communication disorders, swallowing disorders, and cognitive difficulties.

State Fire Marshal - the Office of the State Fire Marshal, Division of Fire Prevention.

Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved.

## Section 220.1050 Referenced Materials

The following materials are referenced in this Part:

- a) State of Illinois statutes
  - 1) Alternative Health Care Delivery Act [210 ILCS 3]
  - 2) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
  - 3) Illinois Occupational Therapy Practice Act [225 ILCS 75]
  - 4) Illinois Physical Therapy Act [225 ILCS 90]
  - 5) Medical Practice Act of 1987 [225 ILCS 60]
  - 6) Nursing and Advanced Practice Nursing Act [225 ILCS 65]
  - 7) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
  - 8) Clinical Psychologist Licensing Act [225 ILCS 15]
  - 9) Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
  - 10) Illinois Health Facilities Planning Act [20 ILCS 3960]

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- 11) Nursing Home Care Act [210 ILCS 45]  
 12) Health Care Worker Background Check Act [225 ILCS 46]  
 Federal Statutes  
 Social Security Act (42 USC 301 et seq., 1395 et seq. and 1396 et seq.)
- c) State of Illinois Rules  
 1) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)  
 2) Control of Tuberculosis Code (77 Ill. Adm. Code 696)  
 3) Food Service Sanitation Code (77 Ill. Adm. Code 750)  
 4) Drinking Water Systems Code (77 Ill. Adm. Code 900)  
 5) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)  
 6) Private Sewage Disposal Code (77 Ill. Adm. Code 905)  
 7) Illinois Accessibility Code (77 Ill. Adm. Code 400)  
 8) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

## Section 220.1100 Demonstration Program Elements

- a) There shall be an authorized Community-Based Residential Rehabilitation Center Alternative Health Care Model in the Demonstration Program. The Community-Based Residential Rehabilitation Center shall be located in the area of Illinois south of Interstate Highway 70. (Section 30(a-15) of the Act)
- b) As an integral part of the services provided, individuals are housed in a supervised living setting while having immediate access to the community. The Residential Rehabilitation Center authorized by the Department may have more than one residence included under the license. A residence may be no larger than 12 beds and shall be located as an integral part of the community. (Section 35(4) of the Act)
- c) The programs provided in this setting shall be accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF). The program shall have been accredited by CARF as a brain injury community-integrative program for at least 3 years prior to licensure under the Act and this Part. (Section 35(4) of the Act)
- d) The average length of stay in a Community-Based Residential Rehabilitation Center shall not exceed four months calculated after June 1, 2000. (Section 35(4) of the Act)
- e) The Community-Based Residential Rehabilitation Center Demonstration Program (Program) shall be reviewed annually by the Board to determine if it should continue operation for a period up to five years.
- f) A Community-Based Residential Rehabilitation Center Model (Model) shall be licensed pursuant to this Part to be considered a participant in the Program.
- g) At the midpoint and end of the Program, the Board shall evaluate and make recommendations to the Governor and the General Assembly, through the Department, regarding the Program, in accordance with Section 20(b) of the Act. (Section 20(b) of the Act)

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- h) The Department shall deposit all application fees, renewal fees and fines collected under the Act and this Part into the Regulatory Evaluation and Basic Enforcement Fund in the State Treasury. (Section 25(d) of the Act)

## Section 220.1200 Application for and Issuance of a License to Operate a Community-Based Residential Rehabilitation Center Model

- a) Applications for a license to operate a Community-Based Residential Rehabilitation Center Model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
- 1) Proof of a Certificate of Need to establish and operate a Community-Based Residential Rehabilitation Center Model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act;
  - 2) The name of the proposed Model;
  - 3) The address of the proposed Model;
  - 4) A precise description of the site of the proposed Model;
  - 5) The number of residences;
  - 6) The number of beds per residence;
  - 7) The number of non-resident participants;
  - 8) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model licensee;
  - 9) The name, address and Illinois license numbers of the following persons:
    - A) Medical Director,
    - B) Supervisor of medical services, and
    - C) Program Coordinator/Director;
  - 10) The Model's admission protocol and transfer criteria as required by Section 220.1700;
  - 11) Information regarding any conviction of the owner or operator of the proposed Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility; and
  - 12) Information regarding any encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the proposed Model.
- b) An application for initial and renewal licensure shall be accompanied by an application fee of \$500 plus \$100 for each Community-Based Residential Rehabilitation Center Model bed.
- c) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- d) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year. (Section 30 of the Act) The license shall not be transferable; it is issued to the licensee and for the specific



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location and number of beds identified in the application.

e) An application for license renewal shall be filed with the Department 90 to 120 days prior to the expiration of the license, on forms provided by the Department.

- 1) The renewal application shall comply with the requirements of subsections (a) and (b) of this Section; and
- 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (d) of this Section.

f) The Department may issue a provisional license to any Community-Based Residential Rehabilitation Center Model that does not substantially comply with the provisions of the Act and this Part:

- 1) A provisional license may be issued only if the Department finds that:

A) The Model has undertaken changes and corrections which upon completion will render the Model in substantial compliance with the Act and this Part; and

B) The health and safety of the participants in the Model will be protected during the period for which the provisional license is issued. (Section 30(c) of the Act)

- 2) The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:

A) The manner in which the Model fails to comply with the provisions of the Act and this Part;

B) The changes and corrections that shall be completed;

C) The time within which the necessary changes and corrections shall be completed (Section 30(c) of the Act); and

D) The interim actions that are necessary to protect the health and safety of the participants.

g) If, after obtaining its initial Certificate of Need, an Alternative Health Care Delivery Model that is a Community Based Residential Rehabilitation Center seeks to increase the bed capacity of that Center, it must obtain a Certificate of Need from the Health Facilities Planning Board before increasing the bed capacity. (Section 30(b) of the Act)

h) The Community-Based Residential Rehabilitation Center Model license or provisional license shall be prominently displayed in an area accessible to the public.

#### Section 220.1300 Obligations and Privileges of Community-Based Residential Rehabilitation Center Models

a) Community-Based Residential Rehabilitation Center Models shall, within 30 days after licensure, seek certification under Titles XVIII and XIX of the Federal Social Security Act. (Section 30(d) of the Act)

b) Community-Based Residential Rehabilitation Center Models shall provide

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charitable care consistent with that provided by comparable health care providers in the geographic area. (Section 30(d) of the Act)

c) A licensed Community-Based Residential Rehabilitation Center Model that continues to be in substantial compliance after the conclusion of the demonstration program shall be eligible for annual license renewals unless and until a different licensure program for that type of health care model is established by legislation. (Section 30(c) of the Act)

#### Section 220.1400 Inspections and Investigations

a) The Department shall perform licensure inspections of Community-Based Residential Rehabilitation Center Models, as deemed necessary, to ensure compliance with the Act and this Part. (Section 25(c) of the Act)

b) All Community-Based Residential Rehabilitation Center Models to which this Part applies shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified persons as the Department might designate. In addition, representatives of the Department shall have access to and may reproduce or photocopy any books, records, and other documents maintained by the Model or the licensee to the extent necessary to carry out the Act and this Part.

c) The Department shall investigate an applicant or licensee whenever it receives a verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for the denial of an application for a license, refusal to renew a license, or suspension or revocation of a license. (Section 50 of the Act)

d) The Department may also investigate an applicant or licensee on its own motion or based upon complaints received by mail, telephone, or in person. (Section 50 of the Act)

#### Section 220.1500 Notice of Violation and Plan of Correction

a) Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan of correction. The notice shall specify the violations, and shall instruct the licensee or applicant to submit a plan of correction to the Department within 10 days after receipt of the Notice.

b) Within the ten-day period, a licensee or applicant may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days, when the Department finds that corrective action by the Model to abate or eliminate the violations will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of

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the patients of the Model in determining whether to grant a requested extension.

- c) Each plan of correction shall be based on an assessment by the Model of the conditions or occurrences that are the basis of the violations and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the Model. Each plan of correction shall include:

- 1) A description of the specific corrective action the Model is taking, or plans to take, to abate, eliminate, or correct the violations cited in the Notice;
  - 2) A description of the steps that will be taken to avoid future occurrences of the same and similar violations; and
  - 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the Model that the violation has occurred.
- e) The applicant or licensee may submit additional information in response to the Notice of Violation that it believes will clarify the condition or alleged violations. The Department will consider the information in reviewing the applicant's or licensee's response and the plan of correction.
- f) The Department shall review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:

- 1) The plan does not address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
- 2) The plan is not specific enough to indicate the actual actions the Model will be taking to abate, eliminate, or correct the violation.
- 3) The plan does not provide for measures that will abate, eliminate, or correct the violation.
- 4) The plan does not provide steps that will avoid future occurrences of the same and similar violations.
- 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the participants, and the extent and complexity of the correction action.
- g) The Department shall notify the licensee or applicant if the plan of correction is rejected, including specific reasons for the rejection of the plan. The Model shall submit a modified plan that addresses the requirements of subsection (c) of this Section within five days after receipt of notice of rejection.
- h) If a licensee or applicant fails to make a timely submission of a modified plan of correction, or such modified plan is not acceptable to the Department, a plan of correction shall be specified and imposed

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by the Department.

- i) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys, and evaluations of the Model.

## Section 220.1600 Adverse Licensee Action

- a) Before denying a license application, refusing to renew a license, suspending a license, revoking a license, or assessing an administrative fine, the Department shall notify the applicant or the licensee in writing. The notice shall specify the charges or reasons for the Department's contemplated action, and shall provide the applicant or licensee an opportunity to file a request for a hearing within 10 days after receiving the notice. (Section 50 of the Act)
- 1) A failure to request a hearing within 10 days shall constitute a waiver of the applicant's or licensee's right to a hearing. (Section 50 of the Act)
  - 2) The hearing shall be conducted by the Director or an individual designated in writing by the Director as an Administrative Law Judge, and shall be conducted in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) and Section 65 of the Act. (Section 55 of the Act)
- b) A license may be denied, suspended, or revoked, or the renewal of a license may be denied or administrative fine assessed, for any of the following reasons:
- 1) Violation of any provision of the Act or this Part.
  - 2) Conviction of the owner or operator of the Community-Based Residential Rehabilitation Center Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.
  - 3) An encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the Community-Based Residential Rehabilitation Center Model.
  - 4) Revocation of any facility license issued by the Department during the previous five years or surrender or expiration of the license during the pendency of action by the Department to revoke or suspend the license during the previous five years, if the prior license was issued to the individual applicant or a controlling owner or controlling combination of owners of the applicant or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license. (Section 45 of the Act)
- c) An action to assess an administrative fine may be initiated in



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d) conjunction with or in lieu of other adverse licensure action.  
The amount of an administrative fine shall be determined based on consideration of the following:

- 1) The nature and severity of the violations;
  - 2) The Model's diligence in correcting the violations;
  - 3) Whether the Model had been previously cited for similar violations;
  - 4) The number of violations;
  - 5) The duration of uncorrected violations; and
  - 6) The impact or potential impact of the violations on patient health and safety.
- e) The administrative fine shall be calculated in relation to the number of days the violation existed, or continues to exist if it has not been corrected. The total amount of the fine assessed shall fall within the following parameters:
- 1) For a violation that occurred as a single event or incident -- between \$100 and \$5,000 per violation.
  - 2) For a violation that was or is continuing beyond a single event or incident -- between \$100 and \$500 per day per violation.

**Section 220.1700 Policies and Procedures**

a) The licensee shall have policies and procedures that implement and are consistent with the provisions of this Part.

b) The licensee shall have infection control policies and procedures, which shall include at least the following:

- 1) Compliance with the Department's Control of Communicable Diseases Code (77 Ill. Adm. Code 690);
- 2) The use of universal precautions and isolation techniques;
- 3) A continuing program of instruction for all personnel on the mode of spread of infections; and
- 4) Posted handwashing techniques.

c) The licensee shall provide for the registration and disposition of complaints without threat of discharge or other reprisal against any employee, volunteer, participant or participant's representative.

d) The licensee shall have policies covering disaster preparedness, including a written plan for staff and children to follow in case of fire, explosion, severe weather, earthquakes or other hazardous circumstance or emergency.

- 1) All personnel shall be trained in the proper use of a fire extinguisher.
  - 2) All personnel shall be trained in the evacuation plan.
- e) The licensee shall develop, with the approval of the medical director, policies and procedures to be followed during various medical emergencies. The types of medical emergencies addressed should be based on the needs of the participants being served and may include, but are not limited to, foreign body aspiration, poisoning, allergic reactions, asthma, convulsions, insulin shock, and acute respiratory

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- f) The licensee shall develop policies and procedures concerning the transportation of non-resident participants.
- g) The licensee shall develop policies and procedures concerning the handling of participants' funds. Such policies and procedures shall be at least as stringent as those set forth in Section 2-201 of the Nursing Home Care Act [210 ILCS 45/2-201].
- h) The licensee shall develop policies and procedures concerning the role and level of supervision of students and interns in the operation of the Model and the care of participants.

**Section 220.1800 Admission Practices**

a) The licensee shall designate the individual or group that is responsible for making admission decisions.

b) The licensee shall establish written admission criteria that:

- 1) Identify individuals who can be served by the programs available through the Model;
  - 2) Ensure nondiscrimination of participants based on disability, race, religion, sex, source of payment, and any other basis recognized by applicable State and federal laws;
  - 3) Ensure that participants are medically stable and no longer require acute rehabilitative care or intense medical or nursing services. (Section 35(4) of the Act)
- c) The licensee shall establish a preadmission screening process to ensure that the admission criteria are met and that outcome goals are addressed. The preadmission screening report shall serve as the rehabilitation plan until the comprehensive assessment is completed and a rehabilitation plan is developed for the individual.
- d) Physician orders for medications (if necessary) and information concerning any other immediate medical care needs shall be submitted to the licensee at the time of the participant's admission.

**Section 220.1900 Participant Assessment**

a) The licensee shall establish policies and procedures defining the assessment process.

- b) Within two weeks after admission, each participant shall be assessed by a physician, a registered nurse, and a case manager. In addition, a speech/language pathologist, occupational therapist, or neuropsychologist shall complete an assessment of the participant's cognitive abilities. The physician, with input from the registered nurse, shall determine the participant's need for evaluation by a dietitian or other specialized medical evaluations. Participants who were admitted prior to June 1, 2000, shall have an assessment completed within 60 days after June 1, 2000, unless an assessment has already been completed. An assessment, which meets the requirements of this Section, completed at a hospital may be accepted by the Model.

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- c) The assessment shall:
- 1) Identify pathological diagnoses or conditions requiring rehabilitation;
  - 2) Identify the potential benefits related to rehabilitation intervention;
  - 3) Include the desired outcomes and expectations of the participant;
  - 4) Include the outcomes anticipated by the persons conducting the assessments;
  - 5) Use assistive technology, as needed, in the assessment process;
  - 6) Be used to direct the development of the participant's rehabilitation plan; and
  - 7) Coordinate with the assessments completed prior to admission to the extent possible to avoid duplicative testing.
- d) Assessment outcomes shall be reported to appropriate personnel and to the participant and/or participant's representative.
- e) Further assessments shall be completed by appropriate staff members to develop a rehabilitation plan and refine the outcome goals specific to the individual.

## Section 220.2000 Individual Rehabilitation Plan

- a) Within 10 days after the completion of the assessment conducted pursuant to Section 220.1900 of this Part, the results of the assessment shall be used to revise the individualized rehabilitation plan, designed by the rehabilitation team, that establishes goals and objectives that incorporate the unique strengths, abilities, and preferences of the person served and relates to the services and environment to which the person will be discharged. *The design of individualized program plans shall be consistent with the outcome goals that are established for each resident.* (Section 35(4) of the Act)
- b) The individual rehabilitation plan shall include, at a minimum:
- 1) The desired outcome goals for the program;
  - 2) Identification of targeted objectives to achieve the outcome goals;
  - 3) Services needed to support the targeted objectives;
  - 4) Anticipated times frames for accomplishing the goals and objectives; and
  - 5) Persons responsible for implementing the rehabilitation plan.
- c) The licensee shall define the members of the rehabilitation team who will develop and review the rehabilitation plan. The members of the rehabilitation team shall include, at a minimum:
- 1) The participant;
  - 2) Participant representative, if he/she chooses to participate, and any other persons chosen by the participant;
  - 3) A person assigned to coordinate services for the person (case manager or designee);
  - 4) A nurse; and

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- 5) Persons providing services for the participant, based on the assessment.
- d) The rehabilitation team shall meet at least every 30 days to implement and modify, as needed, the rehabilitation plan and discharge plan.
- e) The case manager or case manager designee shall ensure that the rehabilitation plan is implemented and that the appropriate services are coordinated to ensure that the rehabilitation plan is followed.

## Section 220.2100 Participant Rights

- a) The licensee shall establish a Participant's Bill of Rights, which shall include:
- 1) The right to information to facilitate decision making;
  - 2) The right to be free of harm from physical abuse, mental abuse, sexual abuse, and physical punishment;
  - 3) The right to access and/or referral to guardians, conservators, self-help groups, and/or advocacy groups, and legal assistance;
  - 4) The protection of basic human rights, including rights to adequate food, shelter, education, dignity, and respect;
  - 5) The right to request discharge from the facility;
  - 6) The right to equal and effective treatment;
  - 7) The right to confidentiality;
  - 8) The right to refuse treatment;
  - 9) The right to have input into the rehabilitation plan;
  - 10) Freedom from discrimination on the basis of race, religious practice, color, national origin, sex, age, handicap, marital status, or source of payment;
  - 11) The right to engage in unrestricted communication;
  - 12) The right to privacy (but not necessarily a single bedroom);
  - 13) The right to retain and use personal clothing and possessions;
  - 14) Unless previously arranged, the right not to be transferred or discharged, except in an emergency situation. The individual, his or her guardian (if applicable), and other responsible persons shall be notified immediately;
  - 15) The right to the services of a representative of the State agency or program charged with regulating, licensing, or monitoring the program;
  - 16) The right to seek legal assistance;
  - 17) The right to pursue productive and recreational choices;
  - 18) The right to be paid for labor provided to the Model, other than labor that is an element of the rehabilitation program as outlined in the Individual Rehabilitation Plan;
  - 19) The right to regularly review the rehabilitation plan;
  - 20) The right to make recommendations for changes in Model policy that will have an impact on the participant or the participant's rehabilitation program;
  - 21) The right to choose a personal physician;
  - 22) The right to make contacts with the community and to achieve the



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highest level of independence, autonomy, and interaction with the community; and

23) The right to determine, within the bounds of good personal hygiene, his or her dress, hair style, or other personal choices according to individual preference.

b) The licensee shall establish a Participants' Bill of Rights policy, which includes:

- 1) A mechanism to communicate these policies to the persons served;
- 2) Grievance procedures; and
- 3) Procedures for documenting, investigating, and resolving allegations of infringements of rights, including reporting to the Department.

## Section 220.2200 Participant Care and Treatment Services

a) The licensee shall provide access to appropriate emergency and specialty medical services.

b) A case manager shall be designated for each participant. A case manager may serve one or more participants. The provision of services for each participant shall be organized through the case manager or case manager designee who shall:

- 1) Assume responsibility for implementation of the rehabilitation plan;
- 2) Assist the participant in becoming oriented to his/her program;
- 3) Enable the program to proceed in an orderly, purposeful, and goal-oriented manner;
- 4) Promote the program's responsiveness to the needs and preferences of the participant;
- 5) Promote the participant's ongoing engagement in discussions of plans, goals and status;
- 6) Participate consistently in team conferences concerning the participant;
- 7) Maintain communication with family members, guardian (if designated), and funding source of the participant; and
- 8) Facilitate the discharge process and arrangements for the discharge plan.

c) *Functional outcome goals shall be established for each individual.* The licensee shall provide those services that are indicated by the rehabilitation plan and consistent with the outcome goals and the overall needs of the individual. *Services shall include, but not be limited to:*

- 1) Case management;
- 2) Training and assistance with activities of daily living;
- 3) Nursing consultation;
- 4) Traditional therapies (physical, occupational, speech);
- 5) Functional interventions in the residence and community (job placement, shopping, banking, recreation);
- 6) Counseling;

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- 7) *Self-management strategies;*
  - 8) *Productive or vocational activities;* and
  - 9) *Multiple opportunities for skill acquisition and practice throughout the day.* (Section 35(4) of the Act)
- d) The Program shall provide active and least restrictive treatment.

1) The Program shall provide active treatment through the delivery of services that are intended to promote the personal autonomy or independence of all persons served. This shall be reflected in program philosophies or missions, as well as trainings, materials, practices, and staff performance appraisal systems.

2) The Program shall deliver services in the least restrictive or intrusive manner possible and in a living situation that affords the greatest degree of autonomy possible for each person served.

A) With respect to interventions, programs shall adopt a model for determining procedural restrictiveness and shall demonstrate or justify in each situation that less restrictive procedures have been tried or considered prior to implementing any procedure that could impinge on an individual's rights.

B) Clinical documentation shall reflect that persons are treated in or are being prepared to reside in the least restrictive living arrangements possible, considering their existing strengths and needs.

e) *Day treatment or individualized outpatient services shall be provided for persons who reside in their own home* (Section 35(4) of the Act) at the request of a physician or funding agency and shall meet the following criteria:

- 1) Assessment need be completed only for the specific service, or services, to be provided by the Model.
- 2) The rehabilitation team for the participant receiving outpatient services shall include the participant, the participant's representative, if desired, and those therapists providing services.
- 3) Each service provided shall develop treatment goals for the participant.

## Section 220.2300 Participant Record Requirements

The licensee shall maintain participant records that are accessible to the participant and to service providers. Confidentiality of participants' medical records shall be ensured. Records shall include, but are not limited to:

- a) Medical records;
- b) Preadmission screening results;
- c) Participant initial and ongoing assessment results;
- d) Records pertaining to participants' property; and
- e) Individualized rehabilitation plan.

## Section 220.2400 Residential Services

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- a) The licensee shall provide 24-hour supervision in each congregate living environment. At least one staff member shall be present in each residence at all times when participants are present.
- b) The licensee shall provide an emergency response system.
- c) The licensee shall provide 24-hour access to assistance in each apartment living setting.
- d) The licensee shall have policies and procedures in place to guide decisions regarding the necessary level of supervision each participant requires in the residence and the community.

**Section 220.2500 Medication Administration**

- a) Except for medications allowed in subsection (f) of this Section, the only medications allowed in the residence are those for particular individual participants. The medication of each participant shall be kept and stored in the original container received from the pharmacy or as packaged by the nurse, when preparing unit dose packages from multidose containers.
  - 1) Each multidose medication container shall indicate the participant's name, physician's name, prescription number, name, strength and quantity of drug, date this container was last filled, the initials of the pharmacist filling the prescription, the identity of the pharmacy, the refill date and any necessary special instructions.
  - 2) Each single unit or unit dose package shall contain the proprietary and nonproprietary name of the drug and the strength of the dose. The name of the participant and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the correct person.
  - 3) When the unit dose system is used for packaging oral medication, house staff trained in administering medication may assist participants in the self-administration or in taking their medication by carrying the medication from the locked area where it is stored and handing it to the participant. If the participant is unable to receive or open the container, staff may open the container for the participant and assist him or her in consuming or applying the medication. If cognitive and/or behavioral limitations result in poor compliance, staff may open the container for the participant.
- b) All oral medication packaged in multidose containers, prescribed medication given through a feeding tube, and all parenteral medication must be administered by a registered nurse or physician, unless the medication is self-administered by the participant.
- c) All participants shall be evaluated by the rehabilitation team to determine their self-medication capability. Each participant determined to have the capability to learn to administer his/her own medications shall have written objectives developed by the team based

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- on this evaluation and stated in specific behavioral terms that permit the progress of the resident to be assessed and recorded.
- d) The licensee shall provide, either directly or through arrangements with a consultant nurse, training and supervision necessary for identified participants to gain independence in self-administering their own medications as approved in writing by the participant's physician, and documented in the participant's individual plan.
  - e) To be considered "capable of self-administering their own medications," participants must, at a minimum, be able to identify their medication by size, shape, or color and know when they should take it, and the amount to be taken each time.
  - f) A licensee may stock a small supply of medications regularly available without prescription at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a participant only upon the order of a physician.
  - g) The licensee shall have in each residence a first aid kit that contains items appropriate to treat minor cuts, burns, and abrasions.
  - h) All medications shall be properly stored in a secured location not accessible to unauthorized individuals.

**Section 220.2600 Discharge and Follow-up Practices**

- a) The licensee shall prepare written discharge plans prior to discharge of each participant.
- b) The discharge plan shall include:
  - 1) Participant's diagnosis of disability;
  - 2) Outcome goals established for the rehabilitation plan;
  - 3) Summary of the services provided;
  - 4) Outcome goals achieved and not achieved;
  - 5) Reason for discharge; and
  - 6) Recommendations and referrals to assist the participant after discharge.
- c) The licensee shall conduct appropriate follow-up on all persons served after discharge.
- d) The follow-up activities shall be summarized in a report that directly relates the participant's current status to his/her status at discharge.

**Section 220.2700 Personnel**

- a) The licensee shall provide adequate, properly trained and supervised staff to meet each participant's individual rehabilitation plan. Services shall be provided by a coordinated rehabilitation team.
- b) The licensee shall define, through job descriptions, minimum education and experience requirements for all staff, consultants, and contract staff providing services to the Community-Based Residential Rehabilitation Center Model.
- c) The licensee shall provide an initial orientation and routine,



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pertinent training to all staff. This training may include demonstration, one-on-one training, small group exercises, or lectures. All training shall be documented with:

- 1) date,
  - 2) starting and ending time,
  - 3) instructors,
  - 4) short description of content,
  - 5) staff member's written signature.
- d) The licensee shall develop and maintain written personnel policies, which are followed in the operation of the Model.
- e) Each employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, participants or visitors. Individuals who were employed by the Model prior to June 1, 2000, shall have an initial health evaluation within six months after licensure of the Model.

- 1) The initial health evaluation shall be completed not more than 30 days prior to nor 30 days after the employee's first day of employment.
- 2) The initial health evaluation shall include a health inventory from the employee, including an evaluation of the employee's immunization status.
- 3) The initial health evaluation shall include tuberculin testing in accordance with the Department's Control of Tuberculosis Code (77 Ill. Adm. Code 696).

f) The licensee shall designate a program coordinator/director.

g) A registered nurse shall be responsible for managing the day-to-day health needs of every residential participant. Residential staff, as well as clinical team members, shall support health-related programs, as requested by the registered nurse under the direction of the treating physician.

h) The Model shall have a Supervisory Nurse, who shall be a registered nurse and who shall:

- 1) Promote the competency, numbers, and staff levels of nursing personnel appropriate to meet the rehabilitation and complex needs of the persons served;
- 2) Identify and implement a nursing program and structure such that the persons served will receive coordinated services;
- 3) Provide ongoing monitoring of compliance with nursing standards in practice and documentation; and
- 4) provide orientation and ongoing training in rehabilitation nursing skills.

i) The Model shall have a Medical Director or Medical Consultant who coordinates and/or advises personnel on medical matters. The Medical Director or Consultant shall:

- 1) Have training and/or experience in dealing with the needs of persons with acquired brain injuries;
- 2) Be participating in an active clinical practice; and

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3) Provide direction/consultation on a regular basis as dictated by the needs of the persons served.

j) The Model shall employ case managers to organize the provision of services to participants. Minimum qualifications shall include:

- 1) A bachelor's degree in a social service field; and
  - 2) Three years of direct service to persons with disabilities, in either a medical or rehabilitation setting.
- k) The Model shall employ life skills therapists to provide training, assistance and supervision to participants in the areas of living skills, therapeutic recreation and other forms of assistance in both residential and community settings. Minimum qualifications shall include:

- 1) A high school diploma or general education development (GED) diploma;
- 2) A valid drivers' license, five years' driving history, and an insurable driving record;
- 3) Certification in cardiopulmonary resuscitation (CPR) and first aid;
- 4) Completion of Office of Safety and Health Administration (OSHA) training;
- 5) Completion of vital signs and physical transfer training;
- 6) Ability to manage physical transfers of adults and to lift 50 lbs. for short distances and 3 ft. high;
- 7) Good written and verbal communications skills;
- 8) Ability to work independently; and
- 9) Passage of a background check and physical examination in accordance with requirements of the Department of Children and Family Services prior to working with adolescent program participants.

**Section 220.2800 Health Care Worker Background Check**

a) The Model shall not knowingly hire any individual in a position with duties involving direct care for participants if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act [225 ILCS 46/25]). The Model shall initiate background checks within six months after licensure of the Model for persons who were employed at the time of licensure.

- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));
- 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1, 9-1.1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 9-3.4, 9-3.5, 9-3.6, 9-3.7, 9-3.8, 9-3.9, 9-3.10, 9-3.11, 9-3.12, 9-3.13, 9-3.14, 9-3.15, 9-3.16, 9-3.17, 9-3.18, 9-3.19, 9-3.20, 9-3.21, 9-3.22, 9-3.23, 9-3.24, 9-3.25, 9-3.26, 9-3.27, 9-3.28, 9-3.29, 9-3.30, 9-3.31, 9-3.32, 9-3.33, 9-3.34, 9-3.35, 9-3.36, 9-3.37, 9-3.38, 9-3.39, 9-3.40, 9-3.41, 9-3.42, 9-3.43, 9-3.44, 9-3.45, 9-3.46, 9-3.47, 9-3.48, 9-3.49, 9-3.50, 9-3.51, 9-3.52, 9-3.53, 9-3.54, 9-3.55, 9-3.56, 9-3.57, 9-3.58, 9-3.59, 9-3.60, 9-3.61, 9-3.62, 9-3.63, 9-3.64, 9-3.65, 9-3.66, 9-3.67, 9-3.68, 9-3.69, 9-3.70, 9-3.71, 9-3.72, 9-3.73, 9-3.74, 9-3.75, 9-3.76, 9-3.77, 9-3.78, 9-3.79, 9-3.80, 9-3.81, 9-3.82, 9-3.83, 9-3.84, 9-3.85, 9-3.86, 9-3.87, 9-3.88, 9-3.89, 9-3.90, 9-3.91, 9-3.92, 9-3.93, 9-3.94, 9-3.95, 9-3.96, 9-3.97, 9-3.98, 9-3.99, 9-4.00, 9-4.01, 9-4.02, 9-4.03, 9-4.04, 9-4.05, 9-4.06, 9-4.07, 9-4.08, 9-4.09, 9-4.10, 9-4.11, 9-4.12, 9-4.13, 9-4.14, 9-4.15, 9-4.16, 9-4.17, 9-4.18, 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9-14.83, 9-14.84, 9-14.85, 9-14.86, 9-14.87, 9-14.88, 9-14.89, 9-14.90, 9-14.91, 9-14.92, 9-14.93, 9-14.94, 9-14.95, 9-14.96, 9-14.97, 9-14.98,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

- and 9-3.3; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474);
- 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7; Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4; Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));
- 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-9.1, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1; Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
- 6) Assault, battery, heinous battery, tampering with food, drugs or cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b));
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));
- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-4, 11-5, 11-5, 12-13, 12-14, 12-15, and 12-16; Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill.

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- Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));
- 24) Those provided in Section 4 of the Wrongs to Children Act



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(Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));  
 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));

26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707, and 709)); or

27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).

b) The Model shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsection (a) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (o) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)

c) The Model shall not hire, employ, or retain any individual in a position with duties involving direct care of participants if the Model becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) of this Section, as verified by court records, records from a state agency, or an FBI criminal history record check. This shall not be construed to mean that the Model has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Health Care Worker Background Check Act)

d) For the purpose of this Section:

- 1) "Applicant" means an individual seeking employment with a Model who has received a bona fide conditional offer of employment.
- 2) "Conditional offer of employment" means a bona fide offer of employment by a Model to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsection (a) of this Section.
- 3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs.
- 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the

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Health Care Worker Background Check Act)

e) For purposes of the Health Care Worker Background Check Act, the Model shall establish a policy defining which employees provide direct care. In making this determination the Model shall consider the following:

- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
- 2) Whether the employee is required to or has the opportunity to be alone with participants, with the exception of infrequent or unusual occasions;
- 3) Whether more than 50 percent of the employee's responsibilities include physical contact with participants, for example to provide therapy or to draw blood.

f) When the Model makes a conditional offer of employment to an applicant who is not exempt under subsection (s) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the Model must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)

g) The Model shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The Model may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (e) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

- 1) That the Model shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
- 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the Model, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.
- 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.
- 4) That the applicant, if not hired conditionally, shall not be

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hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) A Model may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsection (a) of this Section may request that the Model or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

l) A Model having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days of acquiring that knowledge. The Model may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m) An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) that the Department will forward to the Department of State Police; and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsection (m)

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above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o) The Department may grant a waiver based on mitigating circumstances, which may include:

- 1) The age of the individual at which the crime was committed;
- 2) The circumstances surrounding the crime;
- 3) The length of time since the conviction;
- 4) The applicant's or employee's criminal history since the conviction;

5) The applicant's or employee's work history;

6) The applicant's or employee's current employment references;

7) The applicant's or employee's character references;

8) Nurse Aide Registry records; and

9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

p) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the Model may continue to employ the individual in a direct care position if the individual presents convincing evidence to the Model that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)

q) A Model is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)

r) A Model may retain the individual in a direct care position if the individual presents clear and convincing evidence to the Model that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsection (a) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but is not limited to:

1) Certified court records;

2) Written verification from the State's Attorney's office that prosecuted the conviction at issue;

3) Written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;

4) A signed affidavit from the individual concerning the validity of



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- the report; or
- 5) Documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.

s) This Section shall not apply to:

- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
  - 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
  - 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a Model in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)
- t) An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)
- u) The model must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The model shall include the individual's Social Security number on the criminal history record check results.
- v) The Model shall retain on file for a period of 5 years records of criminal records requests for all employees. The Model shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)
- w) The Model shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

#### Section 220.2900 Food Service

- a) At least three meals a day shall be provided and prepared by either residential staff or participants assisted by residential staff as needed.
- b) Snacks shall be offered between meals and at bedtime.
- c) Menus shall be developed according to the participants' preferences, ascertained through a group decision-making process, and shall be reviewed by a dietitian.

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- d) Menus shall be planned at least one week in advance. All menus, as actually served, shall be kept on file for no fewer than 30 days.
- e) If a participant's rehabilitation plan includes training in meal planning and preparation, this Part shall not preclude that participant from planning and preparing his/her own meals in the residence.
- f) Supplies of staple foods adequate to prepare a minimum of one week's meals and of perishable foods adequate to prepare a minimum of two days' meals shall be maintained on the premises of each residence.
- g) All food served shall be prepared in accordance with the Department's Food Service Sanitation Code (77 Ill. Adm. Code 750).

#### Section 220.3000 Physical Plant

- a) The facility shall be kept in a clean, safe, and orderly condition and in good repair.
  - 1) Electrical, mechanical, heating/air conditioning, fire protection and sewage disposal systems shall be maintained.
  - 2) Furnishings and furniture shall be maintained in a clean, safe condition.
  - 3) Attics, basements, stairways, and similar areas shall be kept free of accumulation of refuse, newspapers, boxes, and other items.
  - 4) Bathtubs, shower stalls and lavatories shall not be used for janitorial, laundry or storage purposes.
  - 5) All cleaning compounds, insecticides and other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.
- b) The licensee shall have an effective means of supplying clean linen.
  - 1) Clean linen shall be protected from contamination during handling, transport and storage.
  - 2) Soiled linen shall be handled, transported and stored in a manner that protects individuals and the environment from contamination. Soiled diapers shall be placed in special diaper receptacles immediately after removal from the participant.
- c) The water supply shall comply with all applicable State codes and local ordinances. Each facility shall be served by:
  - 1) Water from a municipal water system; or
  - 2) A water supply that complies with the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900); or
  - 3) A water supply that complies with the Department's Public Area Sanitary Practice Code (77 Ill. Adm. Code 895).
- d) All sewage and liquid wastes shall be discharged into a public sewage disposal system or shall be collected, treated, and disposed of in a private sewage disposal system that is designed, constructed, maintained and operated in accordance with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code 905).
- e) Each residence shall meet the requirements of the Illinois

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Accessibility Code (71 Ill. Adm. Code 400).

- f) Each residence shall meet the requirements of the local fire authority or the Illinois State Fire Marshal.

### Section 220.3100 Quality Assessment and Improvement

- a) The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following goals:
  - 1) Ongoing monitoring and evaluation of the quality of services provided by the program, including but not limited to:
    - A) Accomplishment of outcome goals;
    - B) Accomplishment of program goals;
    - C) Participant satisfaction; and
    - D) Quality of life.
  - 2) Routine review of quality indicators to ensure identification of problem areas.
  - 3) Identification and implementation of corrective action to address problem areas.
- b) The licensee shall have a written quality assessment plan, which shall include but is not limited to:
  - 1) A statement of its mission and philosophy;
  - 2) A statement of its goals;
  - 3) Measurable objectives; and
  - 4) Identification of the persons responsible for administering the program.
- c) The Department and the Board shall have access to any materials or documents generated pursuant to the facility's quality assessment and improvement or that pertain to utilization and satisfaction, and financial viability of the facility. Such information shall be used by the Department and the Board to evaluate and assess the facility in relation to the requirements of the Act and shall be confidential.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Lobbyist Registration and Reports
- 2) Code Citation: 2 Ill. Adm. Code 560
- 3) Section Numbers: Adopted Action:  
560.100 Amend  
560.402 Amend  
560.420 Amend
- 4) Statutory Authority: 25 ILCS 170
- 5) Effective Date of Amendments: April 14, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: 23 Ill. Reg. 5235 Issue 18, April 30, 1999
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: Stylistic changes incorporated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of these amendments: The Secretary of State's office in Chicago is listed as an additional filing location in Sections 560.100 and 560.402. This will allow the Index Department to expand and enhance its services to individuals required to register as lobbyists and file expenditure reports. In Section 560.420, the cost of a microfiche diazo is deleted. The processing of diazo is inefficient and unnecessary, and there has not had a request for this within the past five years.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Cherri A. Montgomery, Director



SECRETARY OF STATE  
NOTICE OF ADOPTED AMENDMENTS  
  
Index Department  
111 E. Monroe  
Springfield IL 62756  
217/782-9645

SECRETARY OF STATE  
NOTICE OF ADOPTED AMENDMENTS  
  
TITLE 2: GOVERNMENTAL ORGANIZATION  
CHAPTER III: SECRETARY OF STATE  
  
PART 560  
LOBBYIST REGISTRATION AND REPORTS

The full text of the adopted amendments begins on the next page:

SUBPART A: DEFINITIONS

Section  
560.100 Definitions

SUBPART B: LOBBYIST REGISTRATION

Section  
560.200 Persons Required to Register  
560.205 Designation and Duties of Authorized Agent  
560.210 Persons Not Required to Register  
560.220 Registration Requirements  
560.230 Failure to Register (Repealed)

SUBPART C: REPORTING REQUIREMENTS

Section  
560.300 Persons Required to File Expenditure Reports  
560.305 Time, Place and Manner for Filing Expenditure Reports  
560.310 Categorizing Expenditures  
560.315 Allocating Expenditures  
560.320 Large Gatherings and Giveaways  
560.325 Reporting Expenditures by Participants in Grass Roots Lobbying Events  
560.326 Registrant's Duties for Grass Roots Lobbying Events  
560.330 Expenditures for Immediate Family Members of Officials  
560.340 Travel and Lodging Accommodations for Officials  
560.345 Members of Legislative or State Study Committees  
560.350 Personal and Office Expenses  
560.355 Registrant's Duties for Grass Roots Lobbying Events (Repealed)  
560.360 Salaries, Fees and Compensation  
560.365 Contributions Reported Under the Election Code  
560.370 Returned Gifts and Honoraria/Reimbursement by Official  
560.372 Official's Clarification Notice  
560.375 Reports in the Absence of Reportable Expenditures  
560.380 Amending Reports  
560.385 Termination of Lobbying Activities  
560.390 Failure to File Registration Statements and Expenditure Reports  
560.395 Preservation of Records

SUBPART D: PUBLIC DISCLOSURE

Section

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560.400 Requests for Reports  
 560.402 Location and Business Hours  
 560.405 Official Forms  
 560.410 List of Officials  
 560.420 Fees

## APPENDIX A Lobbyist Registration Statements

ILLUSTRATION A Form R1: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)  
 ILLUSTRATION B Form R2: Lobbyist Registration Statement - For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another (Repealed)  
 ILLUSTRATION C Attachment R1/R2: Lobbyist Registration Attachment - For Individual Lobbyist (Repealed)  
 ILLUSTRATION D Form R3: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Lobbyists (Repealed)  
 ILLUSTRATION E Form R4: Lobbyist Registration Attachment - For Addition or Deletion of Affiliated Clients (Repealed)

## APPENDIX B Lobbyist Expenditure Reports

ILLUSTRATION A Form S1: Lobbyist Expenditure Report - Summary of Reportable Expenditures (Repealed)  
 ILLUSTRATION B Schedule 1A/2A: Lobbyist Expenditure Report - Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)  
 ILLUSTRATION C Schedule 1B/2B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)  
 ILLUSTRATION D Schedule 2C/3C: Lobbyist Expenditure Report - Expenditures for Large Gatherings or Giveaways (Repealed)  
 ILLUSTRATION E Schedule 3A/4A: Lobbyist Expenditure Report - Itemized Expenditures for Gifts or Honoraria (Repealed)  
 ILLUSTRATION F Schedule 3B/4B: Lobbyist Expenditure Report - Non-Itemized Expenditures for Gifts and Honoraria (Repealed)  
 ILLUSTRATION G Schedule GR1: Lobbyist Expenditure Notification - Expenditures Notification in Connection with a Grass Roots Lobbying Event (Repealed)

AUTHORITY: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].

SOURCE: Adopted at 18 Ill. Reg. 22532, effective January 1, 1994; amended at 21 Ill. Reg. 405, effective January 1, 1997; emergency amendment at 22 Ill. Reg. 22419, effective December 8, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 5856, effective May 3, 1999; amended at 24 Ill. Reg. ~~6708~~ effective APR 14 2000.

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## SUBPART A: DEFINITIONS

## Section 560.100 Definitions

The following definitions shall apply to this Part:

"Act" means the Lobbyist Registration Act [25 ILCS 170].

"Administrative action" means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any executive agency, department, board or commission of the State. (Section 2 of the Act) It shall not include any correspondence or direct lobbying communication to an official providing a response to an official's request.

"Allocation" means the proration of the expenditure made for lobbying an official when the expenditure is made for more than one official, but fewer than twenty-five-t 25) officials.

"Authorized Agent" means the person designated by the registered entity to be responsible to the Secretary of State for the accurate submission of lobbyist registration statements and expenditure reports required under this Part. The authorized agent need not register unless he or she is a lobbyist, as defined in this Section.

"Client" means an individual, firm, partnership, committee, association, corporation or any other organization on whose behalf a lobbyist influences officials with respect to executive, administrative and legislative action.

"Compensation" means any money, thing of value or financial benefits received or to be received in return for services rendered or to be rendered, for lobbying, as defined herein. Monies paid to officials by the State as remuneration for performance or reimbursement of expenses in connection with their constitutional and statutory duties as officials shall not constitute compensation. (Section 2 of the Act)

"Complete Report" means a statement, or report to be filed with the Secretary of State Index Department in apparent and substantial conformity with the requirements of this Part that shall contain the signature of the authorized agent, the completion of all applicable sections of the statement or report, and the attachment of all appropriate schedules.

"Direct Lobbying Communication" means any activity concerning the



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

direct contact of officials in person or by means of correspondence, telephone or other electronic medium for the purpose of influencing executive, legislative or administrative action. Any correspondence or contact of a routine nature with an official's office, or by a citizen lawfully petitioning a public official pursuant to Section 9 of the Act, shall not be considered direct lobbying communication, unless the communication is made by a hired lobbyist or is in conjunction with a reportable expenditure.

"Due Diligence" means when a lobbyist or authorized agent for any registered entity shows that best efforts have been used to obtain, maintain and submit the information required by the Act. With regard to filing complete reports, the authorized agent will not be deemed to have exercised due diligence unless he or she has access to the expense records of the entity's lobbyists, and has made at least one written request to obtain such information from the lobbyist which informs the lobbyist that the reporting of such information to the authorized agent is required by law or regulation. This definition should not be construed as a requirement that the authorized agent review the lobbyist's expense records if the lobbyist certifies their accuracy to the authorized agent.

"Employer" means the individual, firm, partnership, committee, association, corporation or any other organization or group of persons by whom a lobbyist is employed, and not the name of the lobbyist's supervisor.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding. (Section 2 of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

"Expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure, for the ultimate purpose of influencing executive, legislative or administrative action, other than compensation as defined herein. (Section 2 of the Act) For the purposes of Subpart C, "expenditure" refers to a reportable expenditure made on behalf of an official in one of the four categories described in Section 6 of the Act and Section 560.310 of this Part.

"File", "Filed" and "Filing" means the submission of a complete report, as defined in this Section, to the Secretary of State Index

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## NOTICE OF ADOPTED AMENDMENTS

Department by the close of business on the prescribed filing date. Registration statements and expenditure reports shall be filed at either 111 East Monroe Street, Springfield, Illinois 62756, or at 17 N. State, Chicago, Illinois 60602, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding official State holidays. Forms may be sent by mail with a postmark date no later than the filing deadline. If the filing deadline falls on a weekend, the deadline will be extended to the next business day. The Index Department shall notify any registered entity who has failed to submit a complete report and pay proper fees as required by Sections 560.220 and 560.390. An entity that fails to file a complete entity registration statement and pay proper fees shall not be considered a registered lobbying entity by the Secretary of State.

"Goodwill" means, for reporting purposes, any expenditure made on behalf of officials which has no direct relation to a specific executive, legislative or administrative action regardless of whether the lobbyist making the expenditure is reimbursed by his or her employing registered entity or client. Goodwill should be reported as the subject matter where no specific action is discussed.

"Grass Roots Lobbying Communication" means:

correspondence by a representative (a lobbyist or a non-lobbyist) of a registered entity to the general public, or any segment thereof, encouraging correspondence to an official's office in support of, or opposition to, an executive, legislative or administrative action;

correspondence by a member of the general public, or any segment thereof, to an official's office in support of, or opposition to, an executive, legislative or administrative action when such correspondence is a result of a communication described above in this definition. A reportable expenditure made for or on behalf of an official by a member of the general public as a result of a grass roots lobbying communication shall constitute lobbying activity requiring that individual to register as a lobbyist unless that person reports the expenditure to the registered entity pursuant to Section 560.325.

"Grass Roots Lobbying Event" means:

any organized activity sponsored by a registered entity that is intended to influence the actions of officials by inviting or transporting participants (e.g., members, employees, constituents or the general public) to a specific site on the grounds of, or in the proximity of, public offices or other meeting places where officials are expected to be accessible for grass roots lobbying;

## SECRETARY OF STATE

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or

any event to which officials are invited that is sponsored by a non-lobbyist member or employee of a registered entity, e.g., an on-site inspection of, or reception at, the member's or employee's place of business, or a social gathering at any location. Reportable expenditures incurred as a result of the event shall be reported to the registered entity pursuant to Section 560.325.

"Honorarium" means a payment of money to a member of the General Assembly for an appearance or speech, excluding any actual and necessary travel expenses incurred by the member (and one relative) to the extent that those expenses are paid by any other person. [5 ILCS 420/2-110]

"Influencing" means any communication, action, or reportable expenditure as prescribed in Subpart C of this Part or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials, as defined herein.

"Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or passage or defeat of any bill, amendment, resolution, report, nomination, administrative rule, or other matter by either house of the General Assembly or a committee thereof, or by a legislator. Legislative action also means the action of the Governor in approving or vetoing any bill or portion thereof, and the action of the Governor or any agency in the development of a proposal for introduction in the legislature. (Section 2 of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

"Lobbying" means any communication with an official of the executive or legislative branch of State government as defined herein for the ultimate purpose of influencing executive, legislative or administrative action. (Section 2 of the Act) Lobbying shall not be construed to infringe in any way the right of a citizen to lawfully petition any public official by any means of communication. The following are hereby excluded from the definition of "lobbying":

Any grass roots lobbying communication as defined herein;

Any communication by a candidate or political committee, as defined in Article 9 of the Election Code [40 ILCS 5/9], in relation to the candidate's campaign, or other communications by a political party committee registered with the Illinois State

## SECRETARY OF STATE

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Board of Elections or Federal Election Commission;

Any communication by a political committee registered with the Illinois State Board of Elections or Federal Election Commission in connection with a question of public policy referendum to be presented to the electors; and

Any professional or technical assistance or ministerial function (a function in which nothing is left to discretion) as a normal course of business (see Section 560.210(c), (d), and (n) of this Part).

"Lobbyist" means any person who is employed by a registered entity who undertakes direct lobbying communication with an official as defined herein for the ultimate purpose of influencing executive, legislative or administrative action.

"Official" means:

the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer and State Comptroller and their Chiefs of Staff;

Cabinet members of any elected constitutional officer, including Directors, Assistant Directors and Chief Legal Counsel or General Counsel; and other position titles of comparable ranking that are deemed by their employing Constitutional Officer to be an official under this Part; and

Members of the General Assembly.

"Official" shall not be construed to include those individuals possessing power of attorney on behalf of an official.

"Person" means any individual, firm, partnership, committee, association, corporation or any other organization or group of persons. (Section 2 of the Act)

"Picture" means an original or photocopied photograph of a lobbyist to be affixed to the lobbyist's registration attachment.

"Professional Services and Technical Skills" shall be limited to advice and analysis directly applying any professional or technical discipline (see Section 560.210(c) and (d) of this Part). Being a professional or technical person does not in itself exempt a person from registering if that person undertakes a direct lobbying communication or makes a reportable expenditure.



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"Registered Entity" means the firm, partnership, committee, association, corporation or any other organization or group of persons who has filed, as defined in this Section, a lobbyist registration statement with the Secretary of State Index Department as prescribed in Section 560.200(b). A self-employed individual who is not officially organized as a corporation or firm is considered such for purposes of this definition.

"Vendor" means any person who sells or leases commodities, equipment, or real estate to the State of Illinois.

(Source: Amended at 24 Ill. Reg. 6708, effective APR 14 2000)

SUBPART D: PUBLIC DISCLOSURE

Section 560.402 Location and Business Hours

The offices ~~Office~~ of the Secretary of State Index Department are ~~is~~ located at 111 East Monroe Street, Springfield, Illinois 62756, and at 17 N. State Street, Chicago, Illinois 60602, and shall be open Monday through Friday, from 8:00 a.m. to 4:30 p.m., except on State legal holidays.

(Source: Amended at 24 Ill. Reg. 6708, effective APR 14 2000)

Section 560.420 Fees

Expenditure reports and lists of registrants shall be made available to the public at the following fees:

- a) Paper copies of the list of registrants shall be available free of charge. This list is available on computer disk for \$10.
- b) Copies of statements or expenditure reports shall be available for \$.50 per page ~~or per microfiche-tape~~. Only the authorized agent for a registered entity may obtain a free copy of that entity's statements or reports.
- c) There is no charge to inspect materials filed at the Secretary of State Index Department, 111 East Monroe Street, Springfield, Illinois 62756.
- d) Certification that an entity or individual is or is not registered pursuant to the Lobbyist Registration Act shall be available for \$2.00.

(Source: Amended at 24 Ill. Reg. 6708, effective APR 14 2000)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Illinois Promotion Act Programs
- 2) Code Citation: 14 Ill. Adm. Code 510
- 3) Section Numbers: Emergency Action:  
510.110 Amended  
510.120 Amended  
510.140 Amended  
510.150 Amended
- 4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].
- 5) Effective Date of Amendments: April 17, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date filed in Agency's Principal Office: April 17, 2000
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Due to recent legislative changes, it is necessary to amend these rules before the next grant application period, beginning May 1, 2000, commences. The maximum grant or loan award is increasing from \$100,000 to \$1,000,000 and entities may now apply for grants and loans.
- 10) A Complete Description of the Subjects and Issues Involved: Amending Sections 510.110, 510.120, and 510.140 will authorize the Department to award grants and loans to all eligible applicants. Section 510.150 will be amended to authorize the Department to increase the maximum grant or loan amount from \$100,000 to \$1,000,000. These amendments are the result of legislative changes.
- 11) Are there any proposed amendments pending on this part: No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding these amendments shall be directed to:

Ms. Raya Bogard, Administrative Code Rules Manager  
Office of General Counsel  
Department of Commerce and Community Affairs

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF EMERGENCY AMENDMENTS

620 East Adams Street, 1st Floor  
Springfield, Illinois 62701  
Telephone Number: (217) 785-6285

The full text of the emergency amendments begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 14: COMMERCE  
SUBTITLE C: ECONOMIC DEVELOPMENT  
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## PART 510

## ILLINOIS PROMOTION ACT PROGRAMS

## SUBPART A: TOURISM MARKETING PARTNERSHIP PROGRAM

| Section |  |
|---------|--|
| 510.10  | Authority                                  |
| 510.20  | Definitions                                |
| 510.30  | Computation of Time                        |
| 510.40  | Allocation of Appropriations to Applicants |
| 510.50  | Form of Application                        |
| 510.60  | Application Procedures                     |
| 510.70  | Department Review Procedures               |
| 510.80  | Agreement                                  |
| 510.85  | Administrative Requirements                |
| 510.90  | Provision for Amendment to This Part       |
| 510.100 | Severability                               |

## SUBPART B: TOURISM ATTRACTION DEVELOPMENT LOAN AND GRANT PROGRAM

| Section   | Purpose  |
|-----------|--|
| 510.110   |  |
| EMERGENCY |  |
| 510.120   | Definitions                                      |
| EMERGENCY |  |
| 510.130   | Eligible Uses of Loan and Grant Funds            |
| 510.140   | Eligible Applicants                              |
| EMERGENCY |  |
| 510.150   | Funding Limitation                               |
| EMERGENCY |  |
| 510.160   | Application Cycle                                |
| 510.170   | Application Documentation                        |
| 510.175   | Evaluation Process                               |
| 510.180   | Selection for Funding                            |
| 510.185   | Leverage   |
| 510.190   | Allocation of Appropriations                     |
| 510.195   | Administrative Requirements for Loans            |
| 510.200   | Administrative Requirements for Grants           |
| 510.205   | Administrative Requirements for Loans and Grants |

## SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

| Section | Purpose |
|---------|---------|
| 510.210 |         |



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF EMERGENCY AMENDMENTS

- 510.220 Definitions  
 510.230 Eligible Uses of Grant Funds  
 510.240 Eligible Applicants  
 510.250 Funding Limitation  
 510.260 Application Cycle  
 510.270 Application Documentation  
 510.275 Evaluation Process  
 510.280 Selection for Funding  
 510.285 Matching Funds  
 510.290 Administrative Requirements for Grants

**AUTHORITY:** Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

**SOURCE:** Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 8848, effective June 10, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. 5064, effective March 11, 1996; amended at 22 Ill. Reg. 10394, effective April 1, 1998; emergency amendment at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days.

## SUBPART B: TOURISM ATTRACTION DEVELOPMENT LOAN AND GRANT PROGRAM

**Section 510.110 Purpose**  
**EMERGENCY**

Section 8a of the Illinois Promotion Act (Act) [20 ILCS 665] authorizes the Department of Commerce and Community Affairs to make grants and loans to counties, municipalities, or local promotion groups or for-profit businesses and loans-to-for-profit-business for the development or improvement of tourism attractions in Illinois.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days)

**Section 510.120 Definitions**  
**EMERGENCY**

"Application" means a request for program funds including the required forms and attachments.

"Department" means the Department of Commerce and Community Affairs.

"Local Promotion Group" means any non-profit corporation,

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois (Section 3(b) of the Act).

"Municipality" means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Program" means the Tourism Attraction Development Loan and Grant Program.

"Project" means an activity or activities funded by the Tourism Attraction Development Loan and Grant Program encouraging the initiation and implementation of new tourism attractions, and the enhancement of existing attractions having the capacity to generate sustainable economic growth through increased travel activity.

"Recipient" means an Illinois Local Promotion Group, county, or municipality or for-profit business that has been awarded a grant or loan a-for-profit-business--that has been awarded a loan under this Program.

"Tourism attraction" means fishing and hunting areas, historical/cultural sites, vacation regions, areas of historic or scenic interest, museums, recreation areas, interpretive programs, and other facilities or businesses which attract or serve travelers.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days)

**Section 510.140 Eligible Applicants**  
**EMERGENCY**

at Only Counties counties, municipalities, and local promotion groups and for-profit businesses as defined in Section 510.120 may apply for grants and loans. b) Only-for-profit-businesses may apply for loans.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days)

**Section 510.150 Funding Limitation**  
**EMERGENCY**

The Department shall provide no more than 50 percent of the entire amount of actual expenditures for a single project, not to exceed \$1,000,000 +000,000.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Related Program Provisions

2) Code Citation: 89 Ill. Adm. Code 117

3) Section Numbers: 117.50  
Emergency Action: Amendment

4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

5) Effective Date of Amendments: April 14, 2000

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date filed with the Index Department: April 14, 2000

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: This rulemaking is necessary to increase payments for funeral and burial expenses pursuant to an agreement between the Department and the Illinois Funeral Director's Association. Recognizing that implementation of these increases as promptly as possible will serve the public interest, the Department has determined that the use of emergency rulemaking is justified.

10) A Complete Description of the Subject and Issues: These proposed amendments increase payments for funeral and burial expenses.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding these amendments shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield Illinois 62762  
(217) 785-9772

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

## SUBCHAPTER VV: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT

## MUTUAL COMPANIES

## SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 117

## RELATED PROGRAM PROVISIONS

## Section

- 117.1 Incorporation By Reference
- 117.10 Payee for Financial Assistance
- 117.11 Issuance of Cash Assistance Benefits
- 117.12 Client Training for the Electronic Benefits Transfer (EBT) System
- 117.13 Replacement of the EBT Card
- 117.15 Reinstatement Upon Agreement to Cooperate
- 117.20 Replacement of Missing Warrants
- 117.30 Withholding of Rent (Repealed)
- 117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
- 117.50 Funerals and Burials
- EMERGENCY
- 117.51 Funeral Home Services
- 117.52 Burial Expenses
- 117.53 Payment to Vendor(s)
- 117.54 Claims for Reimbursement
- 117.55 Submittal of Claims
- 117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
- 117.70 Charge for Replacement of Photo ID Cards (Repealed)
- 117.80 Direct Deposit of Recipients' Warrants
- 117.90 State Income Tax Match
- 117.91 New Hire Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2388, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for a maximum of 150 days.

## Section 117.50 Funerals and Burials

## EMERGENCY

- a) Funeral and burial services shall be provided to eligible deceased individuals in accordance with Department standards.
- b) The maximum allowable amount which the Department may pay for funeral expenses of an eligible decedent, based on the decedent's age, is:
  - 1) \$700 effective 11/17/99, \$850 effective 07/01/00, and \$1000 effective 07/01/01 \$670 for an adult or child 5 years of age or older;
  - 2) \$436 effective 11/17/99, \$529 effective 07/01/00, and \$622 effective 07/01/01 \$417 for a child between the ages of 3 months and 5 years; and
  - 3) \$350 effective 11/17/99, \$425 effective 07/01/00, and \$500 effective 07/01/01 \$335 for a child under 3 months of age or stillborn.
- c) The maximum allowable amount which the Department will pay for burial (including cremation) expenses of an eligible decedent is \$350 effective 11/17/99, \$425 effective 07/01/00, and \$500 effective 07/01/01 \$335.
- d) When there is no hospital facility for disposal of amputated limbs by cremation or if burial is desired by the recipient, an allowance of \$15 for burial of amputated limbs may be paid to a funeral director.

## DEPARTMENT OF HUMAN SERVICES

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- e) No additional payment shall be made for burial of amputated limbs with the remainder of the body.
- f) The maximum allowable amount which the Department will pay for an Anatomical Gift case is \$100 effective 11/17/99, \$121 effective 07/01/00, and \$142 effective 07/01/01 \$96 for the funeral home services and \$50 for a memorial service held in the funeral home. In a Anatomical Gift case, the body has been donated for scientific study.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 67-23, effective April 14, 2000, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers: Emergency Action:  
590.260 Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].
- 5) Effective Date of Amendments: April 14, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: April 14, 2000
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The current rule is being applied inconsistently and because of these inconsistencies the welfare of customers is being adversely impacted. The rule is being clarified to assure fair and equitable application and to assure that the resources of ORS are used in a manner that addresses the welfare of the largest number of customers.
- 10) A Complete Description of the Subject and Issues Involved: The rule for Summer School attendance by customers of the ORS Vocational Rehabilitation program is being revised to return to the previous language and limitations. The current rule is being applied inconsistently and the future welfare of many customers was being harmed by the uneven application of the current rule.
- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate
- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590  
SERVICES

## SUBPART A: APPLICABILITY

## Section

590.10 General Applicability  
590.20 Availability of Services  
590.30 Effect of Financial Status on Services  
590.35 Effect of Comparable Benefits  
590.40 Choice of Service Providers

## SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

## Section

590.50 Provision of Services  
590.60 Qualification of Medical and Psychological Service Providers  
590.70 Treatment of Acute Conditions  
590.80 Medication and Treatment  
590.90 Hearing Aids  
590.100 Binaural Hearing Aids  
590.110 Speech and Language Services  
590.120 Low Vision Aids  
590.130 Mental Restoration Services  
590.140 Heart Surgeries  
590.150 Kidney Transplant and Related Services  
590.160 Chiropractic Services  
590.170 Prosthetic and Orthotic Device  
590.180 Wheelchairs  
590.190 Prohibited Services

## SUBPART C: TRAINING AND RELATED SERVICES

## Section

590.200 Provision of Services  
590.210 Qualification of Training Facilities/Institutions  
590.220 Purpose and Types of Training  
590.230 Financial Guidelines for Training Services  
590.240 Graduate School Training  
590.250 Choice of Training Facility/Institution  
590.260 Summer School  
EMERGENCY  
590.270 Grades  
590.280 Health Status



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

590.290 On-the-Job Training  
590.300 Default on Educational Loans

## SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section  
590.310 Provision of Services  
590.320 Self-Employment Program  
590.330 Services/Goods not Available  
590.340 Bidding Requirements  
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock  
590.360 Transfer of Title  
590.370 Limitation of Financial Participation (Repealed)

## SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section  
590.375 Provision of Services  
590.380 Vendor Requirements  
590.390 Bidding Requirements  
590.400 Vehicle Adaptation  
590.410 DHS-ORS Financial Participation in Van Adaptation  
590.420 Environmental Modification  
590.430 Written Agreements for Environmental Modification  
590.440 Compliance with Capital Development Board Specifications

## SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section  
590.450 Provision of Services  
590.460 Types of Services  
590.470 Services/Equipment  
590.480 Qualifications for Services Provided by Individuals  
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

## SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section  
590.500 Provision of Services (Repealed)  
590.510 Definitions (Repealed)  
590.520 Purpose of Equipment Loans (Repealed)  
590.530 Criteria for Loan of Equipment/Aids (Repealed)  
590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)  
590.550 Duration of Loans (Repealed)  
590.560 Maintenance and Return of Equipment/Aids (Repealed)  
590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

590.580 Limitations on Available Equipment/Aids (Repealed)

## SUBPART H: OTHER SERVICES

Section  
590.590 Provision of Services  
590.600 Transportation and Temporary Lodging  
590.610 Other Goods and Services  
590.620 Equipment Sets

## SUBPART I: PLACEMENT

Section  
590.630 Provision of Placement Services  
590.640 Description of Services

## SUBPART J: MAINTENANCE

Section  
590.650 Provision of Services  
590.660 Definitions  
590.670 Determination of the Need for Maintenance  
590.675 Determination of Client Financial Participation in Maintenance  
590.680 Exceptions to Basic Needs Level

## SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services  
590.710 Definitions  
590.720 Scope of Services

## SUBPART L: TRANSITION

590.730 Provision of Services  
590.740 Definitions  
590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375, effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1998; amended at 23 Ill. Reg. 7502, effective June 17, 1999; emergency amendment at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days.

## SUBPART C: TRAINING AND RELATED SERVICES

## Section 590.260 Summer School

EMERGENCY

Summer school shall be provided only for those customers who:

- a) will graduate at the conclusion of the summer term; or
- b) must complete a course sequence for a degree/graduation requirement and the particular course is offered only during the summer term. The customer will take a full course load relevant to the requirements of the customer's degree during the summer term.

~~Summer school may be provided to a customer who, based upon his/her counselor's assessment of the individual's circumstances, would benefit from attending summer school.~~

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Proposed Action:  
125.144 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 65 FR 3121.
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650].
- 6) Effective Date: April 14, 2000
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.  
  
The Food Safety and Inspection Service (FSIS) is amending the federal meat and poultry products inspection regulations to increase permissible levels of sodium acetate as a flavor enhancer in meat and poultry products and of sodium diacetate as a flavor enhancer and as an inhibitor of the growth of certain pathogens. FSIS is also permitting the use of sodium lactate and potassium lactate in meat and poultry products, except for infant formulas and infant food, for purposes of inhibiting the growth of certain pathogens. These amendments appear at 65 FR 3121 (effective March 20, 2000 and published in the January 20, 2000 Federal Register).

- 8) Does this rulemaking contain an automatic repeal date? No

- 9) Date Filed with the Index Department: April 14, 2000

- 10) A copy of the adopted peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

- 12) Are there any proposed amendments pending to this Part? No

- 13) Statement of Statewide Policy Objectives: This rulemaking does not affect

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

units of local government.

- 14) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes  
Illinois Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield, Illinois 62794-9281  
217/785-5713  
217/785-4505 (Fax)

The full text of the Peremptory Amendment begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

## PART 125

## MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR  
POULTRY INSPECTION

|         |  |
|---------|--|
| Section | Definitions  |
| 125.10  | Incorporation by Reference of Federal Rules                |
| 125.20  | Application for License; Approval                          |
| 125.30  | Official Number  |
| 125.40  | Inspections; Suspension or Revocation of License           |
| 125.50  | Administrative Hearings; Appeals (Repealed)                |
| 125.60  | Assignment and Authority of Program Employees              |
| 125.70  | Schedule of Operations; Overtime                           |
| 125.80  | Official Marks of Inspection, Devices and Certificates     |
| 125.90  | Records and Reports  |
| 125.100 | Exemptions   |
| 125.110 | Disposal of Dead Animals and Poultry                       |
| 125.120 | Reportable Animal and Poultry Diseases                     |
| 125.130 | Detention; Seizure; Condemnation                           |
| 125.140 | Sanitation Standard Operating Procedures (SOP's)           |
| 125.141 | Hazard Analysis and Critical Control Point (HACCP) Systems |
| 125.142 | Imported Products  |
| 125.143 | Preparation and Processing Operations                      |
| 125.144 |  |

## SUBPART B: MEAT INSPECTION

|         |   |
|---------|---|
| Section | Livestock and Meat Products Entering Official Establishments                            |
| 125.150 | Equine and Equine Products  |
| 125.160 | Facilities for Inspection   |
| 125.170 | Sanitation  |
| 125.180 | Ante-Mortem Inspection  |
| 125.190 | Post-Mortem Inspection  |
| 125.200 | Disposal of Diseased or Otherwise Adulterated Carcasses and Parts                       |
| 125.210 | Humane Slaughter of Animals   |
| 125.220 | Handling and Disposal of Condemned or Other Inedible Products at Official Establishment |
| 125.230 | Rendering or Other Disposal of Carcasses and Parts Passed for Cooking                   |
| 125.240 | Marking Products and Their Containers   |
| 125.250 | Labeling, Marking and Containers  |
| 125.260 | Entry into Official Establishment; Reinspection and Preparation of Product              |
| 125.270 |   |



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

125.280 Meat Definitions and Standards of Identity or Composition  
 125.290 Transportation  
 125.295 Imported Products (Repealed)  
 125.300 Special Services Relating to Meat and Other Products  
 125.305 Exotic Animal Inspection

## SUBPART C: POULTRY INSPECTION

Section  
 125.310 Application of Inspection  
 125.320 Facilities for Inspection  
 125.330 Sanitation  
 125.340 Operating Procedures  
 125.350 Ante-Mortem Inspection  
 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts  
 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments  
 125.380 Labeling and Containers  
 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements  
 125.400 Definitions and Standards of Identity or Composition  
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; peremptory amendment at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995;

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 14575, 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 3602, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 5740, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000.

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR  
POULTRY INSPECTION

## Section 125.144 Preparation and Processing Operations

The Department incorporates by reference 9 CFR 424 (1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 3121, effective March 20, 2000).

(Source: Amended by peremptory rulemaking at 24 Ill. Reg. 6734, effective April 14, 2000)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Reports of Child Abuse and Neglect

Code Citation: 89 Ill Adm Code 300

Section Numbers: 300.30  
300.160

Date Originally Published in the Illinois Register: 1/14/00  
24 Ill Reg 407

At its meeting on April 11, 2000, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the DCFS Inspector General adopt rules governing the functions, purposes and duties of the Office, as required by Section 35.5 of the Children and Family Services Act.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## FILING PROHIBITION

## ILLINOIS COMMERCE COMMISSION

Heading of the Part: Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act

Code Citation: 83 Ill Adm Code 726

|                         |         |         |         |
|-------------------------|---------|---------|---------|
| <u>Section Numbers:</u> | 726.100 | 726.105 | 726.200 |
|                         | 726.300 | 726.305 | 726.400 |
|                         | 726.500 | 726.505 | 726.510 |

Date Originally Published in the Illinois Register: 1/3/00

24 Ill Reg 1

At its meeting on April 11, 2000, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the prohibition is as follows:

The rulemaking (1) exceeds the Commission's statutory authority under Section 15.6 of the Act by extending the application of the Act to schools, governmental units and not for profit organizations and (2) creates an undue economic and regulatory burden on business entities by holding those entities to all of 13 separate requirements to qualify to operate a Personal Emergency Answering Point, rather than applying only those standards most relevant to the size and type of entity and/or facility seeking the PEAP and the minimum standards necessary to ensure the safety of the persons involved.

The proposed rule may not be filed with the Secretary of State or enforced by the Illinois Commerce Commission for any reason for 180 days following receipt of this certification and statement by the Secretary of State.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF NATURAL RESOURCES

Heading of the Part: White-Tailed Deer Hunting by Use of Muzzleloading Rifles

Code Citation: 17 Ill Adm Code 660

Section Numbers: 660.20

Date Originally Published in the Illinois Register: 1/14/00

24 Ill Reg 471

At its meeting on April 11, 2000, the Joint Committee on Administrative Rules objected to the Department of Natural Resources rules titled "White-Tailed Deer Hunting by Use of Muzzleloading Rifles" (17 Ill Adm Code 660; 24 Ill Reg 471) because the Department has misinterpreted legislative intent as to its right to use hunting permits as an enforcement tool for collecting child support.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF NATURAL RESOURCES

Heading of the Part: White-Tailed Deer Hunting by Use of FirearmsCode Citation: 17 Ill Adm Code 650Section Numbers: 650.20Date Originally Published in the Illinois Register: 1/14/00  
24 Ill Reg 456

At its meeting on April 11, 2000, the Joint Committee on Administrative Rules objected to the Department of Natural Resources rules titled "White-Tailed Deer Hunting by Use of Firearms" (17 Ill Adm Code 650; 24 Ill Reg 456) because the Department has misinterpreted legislative intent as to its right to use hunting permits as an enforcement tool for collecting child support.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.0

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE  
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987  
PRIME CAPITAL MORTGAGE COMPANY,  
MT. PROSPECT, ILLINOIS

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$5,000.00 against Prime Capital Mortgage Company, Mt. Prospect, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective April 10, 2000.

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 11, 2000 through April 17, 2000 and have been scheduled for review by the Committee at its May 16, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

|                       |   |                                 |              |
|-----------------------|---|---------------------------------|--------------|
| Second Notice Expires | Agency and Rule   | Start Of First Notice           | JCAR Meeting |
| 5/25/00               | Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)   | 2/18/00<br>24 Ill Reg<br>2508   | 5/16/00      |
| 5/25/00               | Department of Professional Regulation, Medical Practice Act of 1987 (68 Ill Adm Code 1285)  | 2/14/00<br>24 Ill Reg<br>2185   | 5/16/00      |
| 5/27/00               | Criminal Justice Information Authority, Operating Procedures for the Administration of Non-Federal Grant Funds (20 Ill Adm Code 1560)                   | 1/21/00<br>24 Ill Reg<br>947    | 5/16/00      |
| 5/27/00               | Office of Banks and Real Estate, Real Estate License Act (68 Ill Adm Code 1450)   | 1/14/00<br>24 Ill Reg<br>387    | 5/16/00      |
| 5/27/00               | Department of Nuclear Safety, Financial Assurance Requirements (32 Ill Adm Code 326)  | 2/14/00<br>24 Ill Reg<br>2054   | 5/16/00      |
| 5/27/00               | Department of Nuclear Safety, Licensing of Radioactive Material (32 Ill Adm Code 330)   | 2/14/00<br>24 Ill Reg<br>2106   | 5/16/00      |
| 5/28/00               | Department of Revenue, Real Estate Transfer Tax (86 Ill Adm Code 120)   | 12/27/99<br>23 Ill Reg<br>14658 | 5/16/00      |
| 5/28/00               | Northeastern Illinois Commission, Fees for Reviewing Applications to Change the Boundaries of a Wastewater Facility Planning Area (35 Ill Adm Code 399) | 2/18/00<br>24 Ill Reg<br>2582   | 5/16/00      |

## PROCLAMATIONS

2000-184  
NURSES WEEK

WHEREAS, the 2.6 million registered nurses in the United States and the 143,000 registered nurses in Illinois comprise our nation's and State's largest health care profession; and

WHEREAS, the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, the American Nurses Association and the Illinois Nurses Association, as the voice for the registered nurses of this country and State, are working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

WHEREAS, along with the American Nurses Association, the Illinois Nurses Association, has declared the week of May 6-12, 2000, as National Nurses Week 2000 with the theme "Nurses: Keeping the Care in Healthcare" in celebration of the ways in which registered nurses strive to provide safe and high quality patient care and map out the way to improve our health care system;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-12, 2000, as NURSES WEEK in Illinois.

Issued by the Governor March 30, 2000.

Filed by the Secretary of State April 10, 2000.

## 2000-185

## ANN M. KILEY CENTER DAY

WHEREAS, the Kiley Center is an Illinois Department of Human Services state-operated developmental center serving persons with developmental disabilities; and

WHEREAS, the primary purpose of Kiley Center is to provide residential, training and health services to individuals ages 10 to 85 years old who have a developmental disability; and

WHEREAS, the mission of Kiley Center is to enable individuals to develop and achieve their personal goals by providing supports and services; and

WHEREAS, in pursuit of the mission, the Kiley Center strives to assist each individual develop to his/her fullest potential with the ultimate goal, whenever feasible, of preparing individuals to live in the community; and

WHEREAS, on April 4, 2000, the Ann M. Kiley Center will celebrate its 25th Anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 4, 2000, as ANN M. KILEY CENTER DAY in Illinois.

Issued by the Governor March 30, 2000.

Filed by the Secretary of State April 10, 2000.

#### 2000-186

##### GLENWOOD-LYNWOOD PUBLIC LIBRARY MONTH

WHEREAS, in 1973, a group of Glenwood residents began talking about the need for a library; and

WHEREAS, in January 1974, the village president formally established a library committee and, with the help of many residents and support from the village board, a referendum held on June 8, 1974, established a district library by 532 to 225 votes; and

WHEREAS, the library officially opened in September 1975 and 791 library cards were issued in the first two days; and

WHEREAS, in January 1976, the library made its first move to a larger space at 315 Glenwood-Lansing Road; and

WHEREAS, in February 1985, the library began access to the SWAN database, which provides information about more than one million items. That information, and daily truck delivery by Suburban Library System, made the resources of more than 60 other libraries available to patrons; and

WHEREAS, in the last fiscal year, Glenwood-Lynwood Public Library served a population of 17,859, had 7,465 cardholders (42 percent of the district's population), issued more than 1,000 new cards and had a collection of 28,615 items, which include books, videos, audio cassettes and CD-ROMS; and

WHEREAS, September 2000 marks the 25th Anniversary of the Glenwood-Lynwood Public Library;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2000 as GLENWOOD-LYNWOOD PUBLIC LIBRARY MONTH in Illinois.

Issued by the Governor March 31, 2000.

Filed by the Secretary of State April 10, 2000.

#### 2000-187

##### SCHOOL BUILDING DAY

WHEREAS, the Council of Educational Facility Planners International (CEFPI) is recognized internationally for its leadership with planning, design, construction, maintenance and operations of educational facilities; and

WHEREAS, school buildings play a critical role in the education of students throughout the United States - the quality of an educational facility has a direct correlation to student success; and

WHEREAS, the mission of the Council of Educational Facility Planners International is to promote the development of educational facilities that provide the best possible learning environment for all students; and

WHEREAS, the Council of Educational Facility Planners International encourages the design of environmentally sound school buildings, incorporating available energy-saving technologies and lifecycle costing strategies for improved operations and maintenance; and

WHEREAS, the Council of Educational Facility Planners International believes that all students, teachers and staff deserve safe and effective learning environments; and

WHEREAS, the Council of Educational Facility Planners International has designated a day to raise community awareness regarding school building

conditions and to improve learning environments nationwide;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2000, as SCHOOL BUILDING DAY in Illinois.

Issued by the Governor April 3, 2000.

Filed by the Secretary of State April 10, 2000.

#### 2000-188

##### SENIORS ASSISTANCE CENTER OF NORRIDGE DAY

WHEREAS, the Seniors Assistance Center (SAC), a not-for-profit organization, was founded in 1975 by a group of civic minded residents who assessed a growing need for services to persons age 60 and over in Norridge, Harwood Heights, and unincorporated Norwood Park Township; and

WHEREAS, SAC has continued to help those who are capable of self-care with appropriate supportive services to remain in the community and maintain their dignity and independence; and

WHEREAS, today, with more than 80 volunteers and a dedicated professional staff, SAC provides information, referral, outreach, case management, support, home delivered meals, transportation services, senior companions, legal assistance, income tax assistance, low-income home energy assistance, Dine Out program, and volunteer activities; and

WHEREAS, SAC is a liaison with other agencies providing elder abuse intervention, community care programs, home repair, and chore services to serve the needs of more than 3,000 seniors; and

WHEREAS, on May 11, 2000, the Seniors Assistance Center of Norridge, will be celebrating its 25th anniversary at the Estelle Sieb Community Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2000, as SENIORS ASSISTANCE CENTER OF NORRIDGE DAY in Illinois.

Issued by the Governor April 3, 2000.

Filed by the Secretary of State April 10, 2000.

#### 2000-189

##### FATHER JOHN J. GRACE DAY

WHEREAS, the red-haired toddler playing among his siblings one day became a priest. John J. Grace, the son of Mary and John Grace, was raised with two sisters and three brothers in St. Andrew Parish in Chicago's Lake View area; and

WHEREAS, John and Mary's fifth child attended St. Andrew Elementary School and after graduating, he joined Quigley Preparatory Seminary which at that time was a five-year program. John Grace attended the University of St. Mary of the Lake in Mundelein for seven years and was ordained and earned a M.A. and SPL degrees. Father Grace did post graduate work at Loyola University where he received a Masters Degree in Educational Psychology; and

WHEREAS, Father Grace began his priesthood at Visitation Parish as an Assistant Pastor from 1950 to 1960. St. Mary of Des Plaines was the next assignment from 1960 to 1965; Old St. Pat's from 1965 to 1969; and on to St. Ludmilla's Parish as Pastor from 1969 to 1983. He joined St. Tarcissus in 1983 to the present; and

WHEREAS, you can see from all he has accomplished academically and through experience that Father John does not let any grass grow under his feet. He's always on the move -- Sunday and holiday masses, visits to the sick and nursing



home parishioners, weddings, funerals and Christenings take up a good amount of his time; and

WHEREAS, Father John has encouraged men and women of all ages to participate in all parish organizations that help build up a strong, vibrant parish community. He also encourages all of us to remember St. Tarcissus Parish when making out our final will forms so that we can all look forward to a wonderful future just as we have enjoyed the parish that our predecessors happily left for us to enjoy; and

WHEREAS, Father John J. Grace is celebrating his 50th year as a priest on May 3, 2000, and St. Tarcissus will be celebrating his Golden Jubilee with him; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 3, 2000, as FATHER JOHN J. GRACE DAY in Illinois.

Issued by the Governor April 4, 2000.

Filed by the Secretary of State April 10, 2000.

#### 2000-190

##### JAMES E. TRAUSSCH DAY

WHEREAS, James E. Trausch was born in Chicago, Illinois, on November 15, 1957; and

WHEREAS, James E. Trausch graduated from University of Notre Dame (BA, 1979) and the Illinois Institute of Technology/Chicago Kent College of Law (JD, 1982); and

WHEREAS, Mr. Trausch is a member of the Illinois Bar Association, the Illinois Mortgage Bankers Association, and the Mortgage Bankers Association of America; and

WHEREAS, James Trausch is the senior associate attorney in charge of litigation, residential and commercial foreclosures and other real estate related civil actions with Jaros, Tillee, and O'Toole, Ltd. of Chicago; and

WHEREAS, from January 1994 to January 1998, James E. Trausch sat on the Board of Directors for the Illinois Mortgage Bankers Association and served with distinction as Chairman of the Legislative Committee; and

WHEREAS, Mr. Trausch continues to serve as General Counsel for the Illinois Mortgage Bankers Association; and

WHEREAS, James is the author of The Illinois Mortgage Foreclosure Law: An Analysis of the New Law (1987), Foreclosure Practice in the Circuit Court of Cook County (1989) and New Legislative Proposals (1989); and

WHEREAS, James E. Trausch and his wife, Christine, an art teacher at St. James School in Arlington Heights, along with their four daughters, Mary Catherine, Colleen Marie, Julia Margaret, and Moira Rose, will be celebrating 15 years of marriage on April 13, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 13, 2000, as JAMES E. TRAUSSCH DAY in Illinois.

Issued by the Governor April 4, 2000.

Filed by the Secretary of State April 10, 2000.

#### 2000-191

##### MRS. LEANNA WILKINS DAY

WHEREAS, April 8, 2000, will mark the celebration of the 102nd birthday of Mrs. Leanna Wilkins of Chicago, Illinois; and

WHEREAS, Mrs. Wilkins is one of the few who has lived in three centuries,

and we felt that a celebration is most appropriate; and

WHEREAS, Mrs. Wilkins was born March 8, 1898, to Mary and Frank Wilkins in Durant, Mississippi. She moved to Chicago in 1900 where she subsequently married. She is the mother of two children, Harvey and Juanita; and

WHEREAS, Mrs. Wilkins joined Liberty Baptist Church, formerly located at 56 East 46th St., now located at 4849 S. Martin Luther King Drive. As a Sunday school teacher, she impacted the lives of many youngsters in a positive way; and

WHEREAS, Mrs. Wilkins is well known across the country for her tasty, mouth watering cakes, especially the butter pound cakes always made from scratch; and

WHEREAS, a celebration of this monumental occasion will be April 8, 2000, at the Liberty Baptist Church in Chicago. The Reverend Dr. Darryl Jackson will lead the celebration to honor of Mrs. Wilkins;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 8, 2000, as MRS. LEANNA WILKINS DAY in Illinois.

Issued by the Governor April 4, 2000.

Filed by the Secretary of State April 10, 2000.

#### 2000-192

##### NURSES DAY

WHEREAS, the Chicago area is recognized as a preeminent medical region and its commitment to the community is evident in its health care organizations; and

WHEREAS, nursing is a vital component in the provision of modern health care; and

WHEREAS, nursing professionals specializing in emergency care, obstetrics, oncology, intensive care, surgery, home health, ambulatory care, physical rehabilitation and other areas involved in providing these services are an integral part of the health care team; and

WHEREAS, these health care providers enhance the metropolitan Chicago area's reputation for health care excellence; and

WHEREAS, the more than 130 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council salute nurses and the important role they play in maintaining the Chicago area as a healthy and productive community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 19, 2000, as NURSES DAY in Illinois.

Issued by the Governor April 4, 2000.

Filed by the Secretary of State April 10, 2000.

#### 2000-193

##### PLAYGROUND SAFETY WEEK

WHEREAS, the safety and well-being of children is a priority of this State; and

WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year, equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and

WHEREAS, the National Program for Playground Safety has been created at the University of Northern Iowa to help inform the nation about playground injuries and possible ways to reduce the number of injuries; and

WHEREAS, the National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children SAFE - providing proper Supervision, Age-appropriate equipment, materials to soften falls to the surface, and Equipment maintenance; and

WHEREAS, it is appropriate to set aside a week each year for the direction and thought on how to keep our children safer on playgrounds; and

WHEREAS, Spring is often the time that children head to the playground and a large percentage of playground injuries occur from April through June; and

WHEREAS, schools, parks and other public facilities are preparing for the summer season and playground participants; and

WHEREAS, all of us who care about children make the commitment that no child shall play on an unsafe playground and the Illinois Safe Kids Coalition has joined in this nationwide effort; and

WHEREAS, the National Program for Playground Safety has designated April 24-28, 2000, as National Playground Safety Week;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24-28, 2000, as PLAYGROUND SAFETY WEEK in Illinois.

Issued by the Governor April 4, 2000.  
Filed by the Secretary of State April 10, 2000.

## 2000-194

## HOME EDUCATION WEEK

WHEREAS, the State of Illinois is committed to excellence in education; and

WHEREAS, the State of Illinois recognizes the importance of family support in educational programs; and

WHEREAS, home education was proven successful in the lives of George Washington, Thomas Edison, Helen Keller, Agatha Christie, Franklin Roosevelt, and others and may be administered in Illinois under statutory requirements of the school code;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1-5, 2000, as HOME EDUCATION WEEK in Illinois.

Issued by the Governor April 5, 2000.  
Filed by the Secretary of State April 10, 2000.

## 2000-195

## JEANNE HURLEY SIMON DAY

WHEREAS, libraries are important to the vitality of every community throughout the State of Illinois and the United States; and

WHEREAS, the success of libraries in meeting the needs of the people has been due to the visionary dedication and hard work of individuals who understand that libraries are special places for learning and the enhancement of the qualities of life; and

WHEREAS, the late Jeanne Hurley Simon, former State Representative and wife of United States Senator Paul Simon, dedicated her life to the betterment of libraries through her work as Chair of the National Commission on Libraries and Information Science which resulted in a tremendous increase in the capability of libraries to meet the challenges and needs of their communities; and

WHEREAS, on April 6, 2000, the library community of Illinois will meet in Springfield for Library Advocacy Day, a day dedicated to increasing awareness of the issues important to the library community of Illinois; and

WHEREAS, the late Jeanne Hurley Simon should be honored and remembered for her many accomplishments on behalf of libraries in Illinois and the entire nation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 6, 2000, as JEANNE HURLEY SIMON DAY in Illinois.

Issued by the Governor April 5, 2000.  
Filed by the Secretary of State April 10, 2000.

## 2000-196

## MOTORCYCLE AWARENESS MONTH

WHEREAS, Illinois is a national leader in motorcycle education; and

WHEREAS, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training Program since 1976; and

WHEREAS, the program is supported by State motorcycle registration fees and has been responsible for training more than 159,000 cyclists; and

WHEREAS, there is a need to enhance public awareness of the increased presence of motorcyclists on our roadways;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as MOTORCYCLE AWARENESS MONTH in Illinois.

Issued by the Governor April 5, 2000.  
Filed by the Secretary of State April 10, 2000.

## 2000-197

## WALTER AND JEANNE SIMAK DAY

WHEREAS, Walter Simak and Jeanne Patzin were united in marriage on May 20, 1950, at Blessed Sacrament Church, 3600 Cermak Road in Chicago, Illinois; and

WHEREAS, Mr. & Mrs. Simak celebrated their wedding with a reception held at Stefoniak Court, 2458 S. Pulaski Road, Chicago, Illinois; and

WHEREAS, Walter and Jeanne Simak resided at 14819 S. Troy Avenue in Posen, Illinois, for 43 years, and currently reside in Tinely Park, Illinois; and

WHEREAS, Walter and Jeanne have eight children, five girls and three boys, and 11 grandchildren, six girls and five boys; and

WHEREAS, Walter and Jeanne Simak celebrate their 50th wedding anniversary on May 20, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 20, 2000, as WALTER AND JEANNE SIMAK DAY in Illinois.

Issued by the Governor April 5, 2000.  
Filed by the Secretary of State April 10, 2000.

## 2000-198

## WILLARD ELEMENTARY SCHOOL DAY

WHEREAS, Willard Elementary School of Moline is the oldest, continuously occupied school building in all of the Quad Cities; and

WHEREAS, it was dedicated on January 1, 1900, and the first classes were held on January 7, 1900, in grades 1-7 with an 8th grade added the following fall; and

WHEREAS, the cost was \$29,545 even though the budget amount was \$30,000; and

WHEREAS, nine rooms were used for classes with two additional rooms held in reserve for expansion and one room to be used by the principal; and

WHEREAS, there were 11 teachers on the staff, including the principal; and  
WHEREAS, bathtubs were located in the building for students who did not have  
tubs at home; and

WHEREAS, Willard Elementary School went through major remodeling in 1950 and  
again in 1972; and

WHEREAS, today, Willard Elementary School has 216 students in grades K-6  
which occupy 13 rooms, as well as a library and computer lab; and

WHEREAS, 15 teachers and a principal make up the staff today along with a  
support staff of 14; and

WHEREAS, each classroom is equipped with a phone and a computer with  
Internet access; and

WHEREAS, since it is a neighborhood school, many families have multiple  
generations that have attended Willard Elementary School; and  
WHEREAS, Willard Elementary School is holding an open house on April 9,  
2000, to celebrate its 100th anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim  
April 9, 2000, as WILLARD ELEMENTARY SCHOOL DAY in Illinois.

Issued by the Governor April 5, 2000.

Filed by the Secretary of State April 10, 2000.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title  
number, Part number and issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-  
2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the  
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#### PROPOSED

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